



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. CALIFORNIA EARTHQUAKE AUTHORITY

NOTICE IS HEREBY GIVEN that the California Earthquake Authority, pursuant to the authority vested in it by Government Code section 87306, proposes to amend its Conflict of Interest Code. The purpose of the amendment is to implement the requirements of Government Code sections 87300 through 87302 and 87306.

The California Earthquake Authority proposes to amend its Conflict of Interest Code to include employee positions that involve the making of, or participation in the making of, decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The proposed amendment adds the positions of Mitigation Program Manager, Disaster Response Manager, Assistant Administrative Officer/Governing Board Liaison, Public & Government Affairs Coordinator, and Controller to the List of Designated Positions. The proposed amendment also changes the position title of Legislative and Public Affairs Director to Public & Government Affairs Director.

This amendment makes other technical changes to reflect the current organizational structure of the California Earthquake Authority. Copies of the amended code are available and may be requested from the Contact Person, below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 28, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person, below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 14, 2003, by contacting the Contact Person, below.

The California Earthquake Authority has prepared a written explanation of the reasons for the proposed amendments (Initial Statement of Reasons) and has available the information on which the amendments

are based. Copies of the proposed amendments, the Initial Statement of Reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person, below.

The California Earthquake Authority has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses, or small businesses.

In making these proposed amendments, the California Earthquake Authority must determine that no alternative considered would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

CONTACT PERSON

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Ms. Niel Hall
California Earthquake Authority
P. O. Box 3030
Rancho Cordova, California 95741-3033
Telephone: (916) 853-4400
E-mail: halln@calquake.com

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3417, subsection (b), of the regulations in Title 3 of the California Code of Regulations pertaining to Mexican Fruit Fly Interior Quarantine as an emergency action that was effective on January 28, 2003. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than May 28, 2003.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request

for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 28, 2003.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

This amendment of Section 3417(b) establishes an additional approximate 13 square miles to the existing area under quarantine (approximately 117 square miles) in the Valley Center area of San Diego County as the area under quarantine for Mexican fruit fly. The Monterey Park and South Pasadena areas of Los Angeles County, approximately 105 square miles, are also a quarantine area. The effect of the change is to provide authority for the State to regulate movement of hosts of Mexican fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute governing the intrastate movement of host commodities.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3417(b) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3417. No reimbursement is required for Section 3417 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local

agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. For some of those businesses located within the Valley Center area of San Diego County, there may be significant adverse economic impacts, including their ability to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$1,327 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3417(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE IS HEREBY GIVEN that the California Horse Racing Board (CHRB), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of section 87300 through 87302, and section 87306 of the Government Code.

The CHRB proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect

on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes Business Services Assistant and Business Services Officer in the designated positions that are required to file a statement of economic interests with the CHRB and makes other technical changes to reflect the current organization structure of the Department. Copies of the amended code are available and may be requested from the Contract Person set forth below.

Any interested person, or their authorized representative, may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 28, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 13, 2003, by contacting the Contact Person set forth below.

The CHRB has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendment are based may be obtained by contacting the Contact Person set forth below.

The CHRB has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will no result in any non-discretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will no have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the CHRB must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Pat Noble, Regulations Analyst
California Horse Racing Board
Policy and Regulation Unit
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: PatN@chr.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulation Analyst
Telephone: (916) 263-6397
Jacqueline Wagner, Manager
Telephone: (916) 263-6041

TITLE 10. DEPARTMENT OF INSURANCE

**45 Fremont Street, 21st Floor
San Francisco, California 94105**

**RH03026432
February 26, 2003**

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE PROGRAM UNINSURED MOTORISTS AND MEDICAL PAYMENTS COVERAGES

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing to consider rates, coverage limits, and a premium payment plan for optional uninsured motorists and medical payments coverages under the California Low Cost Automobile Insurance Program.

Effective January 1, 2003, newly-enacted low cost automobile insurance program legislation, Stats. 2002, chapter 742 (formerly SB 1427, Escutia), requires that uninsured motorists and medical payments coverages be offered to eligible consumers. Consistent with California Insurance Code Section 11580.2, the legislation provides for uninsured motorists bodily injury coverage at the lower liability limits of the underlying low cost auto insurance policy, but does not set limits for medical payments coverage. The legislation does not specify a rate, but merely states that additional premiums are authorized. In addition, the legislation provides for a new premium installment payment option of a fifteen percent deposit and six installments, without specifying if the payments are to be made on a monthly or bi-monthly basis.

To expedite implementation of the legislation through emergency regulations, the Advisory Committee of the California Automobile Assigned Risk Plan (CAARP) proposed to the Commissioner uniform rates and limits for these additional coverages. For uninsured motorists coverage, at limits of \$10,000/\$20,000, CAARP proposed a premium of \$761 for Los Angeles County and \$531 for the City and County of San Francisco. For medical payments coverage, with \$1,000 limits, CAARP proposed premiums of \$142 for Los Angeles County and \$89 for the City and County of San Francisco. CAARP also proposed that the new premium installment plan be based on six monthly payments although other existing installment payment options in the program are based on bi-monthly payments.

Upon review of CAARP's methodology and approach and independent calculations by the Department's technical staff, the Commissioner determined that lower rates than those proposed by CAARP were indicated and proposed those rates for adoption on an emergency basis, which were approved on January 10, 2003. As approved, the current rates for uninsured motorists coverage, with limits of \$10,000/\$20,000, are \$64 for Los Angeles County and \$39 for the City and County of San Francisco. The rates for medical payments coverages, at \$1,000 limits, are \$26 for Los Angeles County and \$24 for the City and County of San Francisco.

The Commissioner will consider the current rates and CAARP's rate and premium payment proposal and invites other comments from the public. Premium rates and payment options are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT RATES AND PROCEDURES AND REFERENCE

The Insurance Commissioner will consider the proposed rates and premium payment procedures pursuant to the authority vested in him by California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, 11629.9, and 11629.92. Coverages, referenced in Section 25 of the Plan of Operations, are set forth in Insurance Code Sections 11629.72 and 11629.92, and amended by 2002 Stats., chapter 742. Installment premium payment options are contained in Section 26 of the Plan, and set forth in Insurance Code Sections 11629.72 and 11629.92, amended by 2002 Stats., chapter 742. Premium rates, referenced in Section 27 of the Plan of Operations, are set forth in Insurance Code Sections 11629.72 and 11629.92, and amended by 2002 Stats., chapter 742. Government Code Section 11343(a) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates, limits, and premium payment option at the following date, time, and place:

Date and Time: May 7, 2003
10:00 a.m.

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates, coverage limits, and premium payment option prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Mary Ann Shulman, Staff Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Shulmanm@insurance.ca.gov
Telephone: (415) 538-4133
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
MohrE@insurance.ca.gov
Telephone: (415) 538-4112
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on May 7, 2003**. Any written materials received after that time will not be considered. Written

comments may also be submitted to the contact person by e-mail and facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

California Insurance Code Sections 11629.7 through 11629.995 establish, within the California Automobile Assigned Risk Plan (CAARP), established under Section 11620 of the Insurance Code, low-cost automobile insurance pilot programs for the County of Los Angeles and the City and County of San Francisco.

Because the pilot programs are established and administered through CAARP, CAARP procedures are applied to the low cost automobile insurance pilot programs where appropriate and not inconsistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Sections 11629.7 and 11629.9 of the Insurance Code require that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of those persons eligible to purchase a low-cost automobile insurance policy through the pilot programs. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the pilot programs, the low-cost auto policy satisfies the financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the initial annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

As amended by 2002 Stats., chapter 742 (formerly SB 1427, Escutia), uninsured motorists and medical payments coverages are required to be offered under the pilot programs. The legislation does not set forth rates, but merely states that additional premiums are authorized. The legislation provides that liability limits for uninsured motorists bodily injury liability equal to the underlying low cost auto policy satisfy financial responsibility laws, but does not specify coverage limits for the medical payments coverage. In addition to existing premium payment options, the new legislation adds another option of a fifteen percent advance deposit and six installment payments, without specifying whether the payments are to be made on a monthly or bimonthly basis.

In consultation with CAARP, the Commissioner established uniform rates and limits for these additional coverages in emergency regulations approved January 10, 2003. The initial annual premium rates established by the emergency regulations for uninsured motorists bodily injury coverage, at limits of \$10,000 for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, are \$64 per vehicle in the County of Los Angeles and \$39 per vehicle in the City and County of San Francisco. For medical payments coverage, at limits of \$1,000, the emergency regulations establish rates of \$26 per vehicle for Los Angeles County and \$24 per vehicle for the City and County of San Francisco.

Insurance Code Sections 11629.72(c) and 11629.92(c) provide that, annually, CAARP shall submit to the Commissioner a proposed rate for approval. Accordingly, CAARP submitted a proposal to implement the newly-enacted low cost auto insurance legislation on an emergency basis. CAARP proposed rates of \$761 per vehicle for Los Angeles County and \$531 for the City and County of San Francisco for uninsured motorists coverage at \$10,000/\$20,000 limits. For medical payments coverage, at limits of \$1,000, CAARP proposed rates of \$142 for Los Angeles County and \$89 for the City and County of San Francisco. CAARP further proposed that the new premium payment option be paid in six monthly payments. Further details appear in the

application on file with the Commissioner, which is available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO AGENCIES / SCHOOL DISTRICTS / FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the

attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to rates and coverage limits for the additional coverages and the premium payment option at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing CAARP's proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate, coverage, and premium payment option alternatives, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file with the Commissioner and available for review as set forth below.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, Initial Statement of Reasons, and proposed text is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE RATES

RH03026431

February 26, 2003

SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing to consider rates for the California Low Cost Automobile Insurance Program.

Effective March 1, 2003, recently enacted low cost automobile insurance program legislation, Stats. 2002, chapter 742 (formerly SB 1427, Escutia), reduces premiums from \$450 to \$347 for Los Angeles County and from \$410 to \$314 for the City and County of San Francisco. Alternatively, the California Automobile Assigned Risk Plan ("CAARP") has filed a rate application to increase the rates to \$450 for Los Angeles County and \$410 for the City and County of San Francisco. CAARP also proposes to maintain the current 25 percent surcharge for certain drivers. The Commissioner will consider CAARP's rate proposal and invites other comments from the public. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT RATES AND REFERENCE

The Insurance Commissioner will consider the proposed rates pursuant to the authority vested in him by California Insurance Code Sections 11620, 11624, 11629.72 and 11629.92. Premium rates, referenced in Section 27 of the Plan of Operations, are set forth in Insurance Code Sections 11629.72 and 11629.92, and amended by 2002 Stats., chapter 742. Government Code Section 11343(a) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

Date and Time: May 7, 2003

11:00 a.m. (or as close thereto as possible, following a public hearing on rates for Low Cost Auto uninsured motorists and medical payment coverages)

Location: 45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Mary Ann Shulman, Staff Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Shulmanm@insurance.ca.gov
Telephone: (415) 538-4133
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel
California Department of Insurance
Rate Enforcement Bureau
45 Fremont Street, 21st Floor
San Francisco, CA 94105
MohrE@insurance.ca.gov
Telephone: (415) 538-4112
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on May 7, 2003**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter.

Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, Suite 1700
Sacramento, CA 95814
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

California Insurance Code Sections 11629.7 through 11629.995 establish, within the California Automobile Assigned Risk Plan (CAARP), established under Section 11620 of the Insurance Code, low-cost automobile insurance pilot programs for the County of Los Angeles and the City and County of San Francisco.

Because the pilot programs are established and administered through CAARP, CAARP procedures are applied where appropriate and not inconsistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Sections 11629.7 and 11629.9 of the Insurance Code require that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportionment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the pilot programs, the low-cost auto policy satisfies the financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the initial annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

Sections 11629.72 and 11629.92 of the Insurance Code set initial premium rates of \$450 for the County of Los Angeles and \$410 for the City and County of San Francisco, with a 25 percent surcharge in specified cases. As amended by recent legislation, annual premium rates are reduced to \$347 per vehicle in the

County of Los Angeles and \$314 per vehicle in the City and County of San Francisco, effective March 1, 2003. The new legislation authorizes the Commissioner to set the surcharge rate.

Insurance Code Sections 11629.72(c) and 11629.92(c) provide that, annually, CAARP shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP has submitted a proposal. Rather than maintain the statutory reductions effective March 1, 2003, CAARP proposes to increase the rates to \$450 for Los Angeles County and \$410 for the City and County of San Francisco. CAARP further proposes to maintain the 25 percent surcharge rate. Further details appear in the application on file with the Commissioner, which is available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO AGENCIES / SCHOOL DISTRICTS / FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate alternatives, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file with the Commissioner and available for review as set forth below.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about the proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

The Initial Statement of Reasons and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

**TITLE 16. RESPIRATORY CARE
BOARD OF CALIFORNIA**

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Respiratory Care Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Respiratory Care Board of California at 444 North 3rd Street, Suite 270, in Sacramento, California at 10:00 a.m. on April 29, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Respiratory Care Board at its office not later than 5:00 p.m. on April 28, 2003, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 3722 of the Business and Professions Code, and to implement, interpret or make specific sections 3719, 3730, 3732, 3733, 3735, 3735.3, 3735.5, 3740, 3774, 3775 and 3775.5 of said Code, the Respiratory Care Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Business and Professions Code section 3719 provides that each person renewing his or her license shall submit proof satisfactory to the board, that during the preceding two-year period, he or she completed the

required number of continuing education hours established by regulation of the board. This proposal contains various amendments to the board's continuing education requirements. These amendments are necessary to clarify approved courses to ensure that continuing education received by licensees is consistent with the current practice of respiratory care.

Business and Professions Code section 3730 provides that all licenses for the practice of respiratory care in this state shall be issued by the board, and all applications for those licenses shall be submitted directly to and filed with the board. The board is proposing an amendment which will provide a clear definition to applicants as to when an application will be deemed abandoned.

Effective 1/1/03, Business and Professions Code section 3740 provides that all applicants for licensure shall have completed a board approved respiratory care program and been awarded a minimum of an associate degree. As the minimum education standard has now been established in statute, those sections defining minimum education in regulation are being repealed. Additionally, effective January 1, 2003, Business and Professions Code section 3740 also grants the board the authority to waive education if evidence is presented and the board deems it as meeting the current educational requirements that will ensure the safe and competent practice of respiratory care. This proposal includes the establishment of language to define work experience and good standing of licensure necessary to determine if an education waiver is appropriate.

Business and Professions Code section 3774 specifies renewal requirements for an active license. The proposed amendments include the ability for a licensee to change his/her license from active to inactive status at any time and provides the requirements to return a license from inactive to active status.

Business and Professions Code section 3775 specifies board fees which need to be clarified. The amendments have already been established with the authority granted under B&P 3775 and are merely being revised for consistency.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: NONE

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact of Jobs/new Businesses: The Respiratory Care Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Respiratory Care Board is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing: NONE

EFFECT ON SMALL BUSINESS

The Respiratory Care Board has determined that the proposed regulations will not affect small businesses. Only those amendments related to continuing education (CE) had the potential of affecting any businesses. Prior to the Board's adoption of the regulatory language it held roundtable workshops in both Northern and Southern California to obtain input from CE providers on the proposed amendments. Of all attendees, none of the CE providers indicated these amendments would have any affect on their respective businesses as all providers in attendance already held approval from at least one of the approved course providers specified in the proposed language.

CONSIDERATION OF ALTERNATIVES

The Respiratory Care Board must determine that no reasonable alternative which is considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Respiratory Care Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based,

may be obtained at the hearing or prior to the hearing by accessing the board's website at www.rcb.ca.gov or upon request from the Respiratory Care Board at 444 North 3rd Street, Suite 270, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person name below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Christine Molina, Staff Services Manager
Respiratory Care Board of California
444 North 3rd Street, Suite 270
Sacramento, CA 95814
(916) 323-9983
rcbinfo@dca.ca.gov

The backup contact person is:

Stephanie Nunez, Executive Officer
Respiratory Care Board of California
444 North 3rd Street, Suite 270
Sacramento, CA 95814
(916) 323-9983
rcbinfo@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.rcb.ca.gov.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Developmental Services, pursuant to the authority vested in it by section 87306 of the Government Code proposes to amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of section 87300 through 87302, and section 87306 of the Government Code.

The Department of Developmental Services proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment includes a concise, clear summary of the amendment and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 28, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative request a public hearing, he or she must do so no later than 15 days before close of the written comment period, by contacting the Contact Person set forth below.

The Department of Developmental Services has prepared a written explanation of the reason for the proposed amendments and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Developmental Services has determined that the proposed amendments:

1. Impose no mandate on local agencies or schools district.
2. Impose no cost or savings on any state agency.
3. Impose no cost on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any discretionary cost or savings to local agencies.
5. Will not result in any cost or savings in federal funding to the state.
6. Will not have any potential impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Developmental Services has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Presley Clark
Department of Developmental Services
1600 9th Street, Room 240, MS 2-15.
(916) 657-3216
pclark@dds.ca.gov

TITLE 18. FRANCHISE TAX BOARD

As required by Section 11346.4 of the Government Code, this is notice of intention to amend Regulation section 17000.30 in Title 18 of the California Code of Regulations pertaining to the Conflict of Interest Code. At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days (April 14, 2003) before the close of the written comment period by contacting the agency officer named below.

WRITTEN COMMENT PERIOD

The Franchise Tax Board has prepared a written statement setting forth the facts upon which the proposed amendments to the regulation are based. The statement includes the specific purpose of the amendments and the factual basis for determining that the amendments are necessary. Copies of the express terms of the regulation as proposed to be amended, together with the written statement and all information upon which the proposed amendments are based, are available upon request from the agency officer named below.

WRITTEN EXPLANATION

The Franchise Tax Board has prepared a written statement setting forth the facts upon which the proposed amendments to the regulation are based. The statement includes the specific purpose of the amendments and the factual basis for determining that the amendments are necessary. Copies of the express terms of the regulation as proposed to be amended, together with the written statement and all information upon which the proposed amendments are based, are available upon request from the agency officer named below.

SUBMISSION OF COMMENTS

The Franchise Tax Board requests interested persons to present statements, contentions or arguments concerning the proposed amendments. The statements may be written or oral. Written comments will be accepted until 5:00 p.m., April 28, 2003. The

Franchise Tax Board will consider all relevant matters presented to it before adopting the proposed amendments to Regulation section 17000.30.

AUTHORITY AND REFERENCE

Government Code section 87300 requires the Franchise Tax Board to adopt the proposed amendments, which would implement, interpret or make specific sections 87300–87302, and 87306, of the Government Code.

INFORMATIVE DIGEST

The Political Reform Act (Government Code sections 81000, et seq.) requires state and local agencies to adopt and promulgate Conflict of Interest Codes. The Conflict of Interest Code for the Franchise Tax Board is contained in Regulation section 17000.30, Title 18, California Code of Regulations. The proposed amendments add three new classifications to designated status.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4 of Title 2 of the Government Code: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Adverse economic impact on business including the ability of California businesses to compete with businesses in other states: None.

Potential cost impact to private persons/businesses: None.

Effect on the creation or elimination of jobs in the state: None.

Effect on the creation of new businesses or elimination of existing businesses within the state: None.

Effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: None.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

The Franchise Tax Board must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the written comment period. The Franchise Tax Board may also adopt the amended regulation with modifications if the changes are nonsubstantive or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulation as modified could result from that originally proposed. The text of the regulation as modified will be made available to the public at least 15 days prior to the date on which the regulation is adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

CONTACT

All inquiries concerning this notice or the substance of the proposed amendments should be directed to Colleen Berwick by mail to the Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel: (916) 845-3306; Fax: (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION

Notice of Emergency Rulemaking Title 22, California Code of Regulations

SUBJECT

Upper Billing Limit, **R-9-02E**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

COMMENTS

Any written statements, arguments or contentions (hereafter referred to as comments) must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on May 1, 2003, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments may be transmitted by email (regulation@dhs.ca.gov), through the "Making Comments" link on the Department website at <http://www.dhs.ca.gov/regulation/>, by regular mail, or

by FAX at (916-657-1459). Comments must be received before 5:00 p.m. on May 1, 2003, the close of the written comment period. All comments, including email, website, or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-9-02E:

Materials regarding the proposed regulations (including this public notice, the proposed regulations, and the Initial Statement of Reasons) that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/> and then by clicking on the "Search Regulations" button.

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Paula Patterson, of the Medi-Cal Benefits Branch, at (916) 327-9126.
3. All other inquiries concerning the action described in this notice may be directed to Marylyn Willis, R.N. of the Office of Regulations at (916) 657-3174, or to the designated backup contact person, Allison Branscombe, at (916) 654-0381.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current statutory and regulatory provisions establish the maximum reimbursement rates for medical supplies (W&I Code Section 14105.2), incontinence medical supplies (W&I Code Section 14125), durable medical equipment (Title 22, CCR, Section 51521) and prosthetic and orthotic appliances (Title 22, CCR, Section 51515). The methodology for establishing the maximum reimbursement rates for medical supplies, durable medical equipment, and certain prosthetic and orthotic appliances generally consists of adding the provider's estimated acquisition cost to an allowable percentage markup.

This methodology was established under the assumption that providers operate under market conditions; i.e., they acquire retail products from legitimate distribution channels in the open market. The same

assumption applies to Medi-Cal payment of the weighted average of the negotiated contract price plus a 38% markup for incontinence medical supplies. However, in the two years since passage of A. B. 1107 and A. B. 1098, enforcement efforts by the Department have revealed this assumption to be invalid. Certain providers have billed the Medi-Cal program at the maximum reimbursement rates for products that they obtained at substantially below the estimated acquisition cost or the weighted average of the negotiated contract price.

These providers' methods of billing for the acquired products end up costing the State of California more in payments than would be paid if they instead billed within the assumptions the Department used in creating the reimbursement methodology; i.e., they acquired the retail products they are billing for from legitimate distribution channels in the open market. It is the prevention of such conduct that the Department seeks to address with this regulatory proposal.

In proposed Section 51008.1, the Department adopts in regulation the requirement that billings by providers for medical supplies, incontinence medical supplies, durable medical equipment, and prosthetic and orthotic appliances identified with a single asterisk in Section 51515 must ultimately be based on the net purchase price of these products, not the estimated acquisition cost or the weighted average of the negotiated contract price which both presume operation of market conditions.

In amended Title 22, CCR, Section 51104, the Department clarifies the individuals and entities identified as "assistive device and sickroom supply dealers" in W&I Code Section 14105.2. They include those who furnish durable medical equipment, medical supplies, incontinence medical supplies, and prosthetic and orthotic appliances identified by a single asterisk in Title 22, CCR, Section 51515.

In amended Title 22, CCR, Section 51515, the Department applies the billing requirements of proposed Section 51008.1 to prosthetic and orthotic appliances. There are no changes to the maximum reimbursement rates in this section.

In amended Title 22, CCR, Section 51520, the Department applies the billing requirements of proposed Section 51008.1 to medical supplies, including incontinence medical supplies.

In amended Title 22, CCR, Section 51521, the Department applies the billing requirements of proposed Section 51008.1 to durable medical equipment. There are no changes to the maximum reimbursement rates in this section.

AUTHORITY

Sections 10725, 14021.3, 14021.5, 14043.75, 14105, 14105.2 and 14124.5, Welfare and Institutions Code; and Section 78, Chapter 146, Statutes of 1999.

REFERENCE

Sections 14043.75, 14059, 14100.7, 14103.7, 14105, 14105.2, 14125, 14125.1 and 14132, Welfare and Institutions Code; Statutes of 1984, Chapter 258, Items 4260-106-001 and 890; Statutes of 1985, Chapter 111, Items 4260-106-001 and 890; Statutes of 1992, Chapter 722, Sections 90 and 111; and Statutes of 2000, Chapter 52, Items 4260-101-0001 and 0890.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

These emergency regulations require certain Medi-Cal providers to submit claims to the Medi-Cal program at an amount that is the lesser of their usual charges made to the general public or the amount they

paid for a product plus no more than a 100 percent mark-up. Medi-Cal is a voluntary program for which providers enroll.

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF REGULATIONS**

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request, in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil

Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email (civilrights-ra@dhs.ca.gov).

TITLE 22. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

AMENDMENT TO SECTION 12805 SPECIFIC REGULATORY LEVELS REPRODUCTIVE TOXICANTS

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment proposes to establish specific regulatory levels having no observable effect for 2,4-D butyric acid (2,4-DB, 2,4-dichlorophenoxybutyric acid), *m*-dinitrobenzene, hydramethylnon and N-methylpyrrolidone and amend Title 22, California Code of Regulations, Section 12805.

PUBLIC PROCEEDINGS

A public hearing will be held on **April 28, 2003**, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will commence at 10:00 a.m. in the Central Valley Auditorium, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until all business has been conducted, or until 5:00 p.m.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **April 28, 2003**, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action can be sent by mail or by fax addressed to:

Susan Luong
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation Program
P. O. Box 4010
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900

Comments sent by courier should be delivered to:

Susan Luong
Office of Environmental Health Hazard Assessment
1001 I Street, 19th Floor
Sacramento, California 95814

Comments may also be transmitted via email addressed to: (sluong@oehha.ca.gov).

It is requested but not required that written statements or arguments be submitted in triplicate.

CONTACT

Please direct inquiries concerning processing of the action described in this notice to Susan Luong or Cynthia Oshita, in writing at the address given above, or by telephone at (916) 445-6900. Inquiries concerning the substance of the action may be directed to Colleen Heck, Chief Counsel, in writing at the address given above, or by telephone at (916) 324-2831.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as Proposition 65 (hereinafter referred to as "the Act"), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual (Health and Safety Code Section 25249.6). The Act also prohibits such persons from knowingly discharging a listed chemical into water or onto or into land where such chemicals pass or probably will pass into any source of drinking water (Health and Safety Code Section 25249.5).

For chemicals known to the state to cause reproductive toxicity, an exemption from the warning requirement is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which he or she is responsible produces no observable reproductive effect, assuming exposure at 1,000 times the level in question (Health and Safety Code Section 25249.10). The maximum dose level at which a chemical has no observable reproductive effect is referred to as the no observable effect level (NOEL). The Act also provides an exemption from the prohibition against discharging a listed chemical into sources of drinking water if the amount discharged does not constitute a "significant amount" as defined and the discharge is in conformity with all other laws and regulatory requirements (Health and Safety Code Sections 25249.9 and 25249.11). The term "significant amount" is defined in a manner that equates to the level that triggers the warning requirement. Thus, these exemptions apply when an exposure or discharge does not exceed the NOEL divided by 1,000. One method by which a person in the course of doing business may determine whether an exposure or a discharge is exempt from the Act is by application of the specific regulatory level for the chemical in Section 12805. The levels in Section 12805 represent the maximum dose level at which the chemical has no observable reproductive effect, given an exposure at one thousand (1,000) times the level in question.

The amendment to Section 12805 would adopt the following regulatory levels for chemicals known to the state to cause reproductive toxicity:

| Chemical | MADL, in units micrograms per day | Reference |
|--|---------------------------------------|---------------|
| 2,4-D butyric acid (2,4-DB, 2,4-dichlorophenoxybutyric acid) | 910 | OEHHA (2003a) |
| <i>m</i> -Dinitrobenzene | 38 (oral) | OEHHA (2003b) |
| Hydramethylnon | 120 (oral) | OEHHA (2003c) |
| N-Methylpyrrolidone | 3,200 (inhalation) 17,000 (dermal) | OEHHA (2003d) |

The risk assessments which were used by the Office of Environmental Health Hazard Assessment to determine the stated levels are as follows:

Office of Environmental Health Hazard Assessment (OEHHA, 2003a). Proposition 65 Maximum Allowable Dose Level (MADL) for Male Reproductive Toxicity for 2,4-D Butyric Acid. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, March 2003.

Office of Environmental Health Hazard Assessment (OEHHA, 2003b). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for *m*-Dinitrobenzene for Oral Exposure. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, March 2003.

Office of Environmental Health Hazard Assessment (OEHHA, 2003c). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for Hydramethylnon for Oral Exposure. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, March 2003.

Office of Environmental Health Hazard Assessment (OEHHA, 2003d). Proposition 65 Maximum Allowable Dose Level (MADL) for Reproductive Toxicity for N-Methylpyrrolidone for Dermal and Inhalation Exposure. OEHHA Reproductive and Cancer Hazard Assessment Section, California Environmental Protection Agency, Sacramento, March 2003.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not pose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section

17500) of Division 4 of the Government Code. The Office of Environmental Health Hazard Assessment has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small business. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that

has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, a copy of the text of the regulation and copies of the risk assessments which were used by OEHHA to determine the MADLs are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

**TITLE 23. DEPARTMENT OF
WATER RESOURCES**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Department of Water Resources, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the

requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Water Resources proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment addresses reorganizations and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 28, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than 15 days before the close of the written comment period by contacting the Contact Person set forth below.

The Department of Water Resources has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Water Resources has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Water Resources must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the

amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Amanda Jack
1416 Ninth Street, Room 320
Sacramento, California 95814
(916) 651-6851
amandaj@water.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION Fish and Game Code Section 2081.1 Tracking Number 2080-2003-003-05

PROJECT: Goat Canyon Enhancement Project
LOCATION: City and County of San Diego
APPLICANT: California State Parks

BACKGROUND

The project is a joint effort among the National Oceanic and Atmospheric Administration (NOAA), California Coastal Conservancy, Southwest Wetland Interpretive Association, and California Department of Parks and Recreation ("State Parks"). California State Parks will construct the project and conduct the required mitigation and monitoring. The U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service (Service), California Department of Fish and Game ("Department"), California Regional Water Quality Control Board, California Coastal Commission, and the City of San Diego are acting as responsible and/or trustee agencies for the project.

The project site is located in Goat Canyon in the far western portion of the Tijuana River watershed, in the City and County of San Diego just north of the International Border. The project site lies within the Tijuana River National Estuarine Research Reserve, and portions of the project site are located within the California Border Field State Park.

The proposed project consists of a flow diversion structure, two sedimentation basins, staging and loading areas, access roads, a visual screening berm, and improvements to Monument Road. The project is designed to handle a 100-year flood event. The diversion structure will be located approximately 1,000 feet downstream (north) of the International Boundary and Water Commission's collection basin on Goat Canyon Creek. The size of the footprint of the

diversion structure, including the grading associated with its construction, will be 1.51 acres. The two sedimentation basins will be located parallel to, and east of, the Goat Canyon Creek, and will occupy 19.62 acres of Goat Canyon and the alluvial floodplain at the mouth of the canyon. The other project features include staging and loading areas and access roads (6.23 acres) for post-construction maintenance of the sediment basins, a visual berm (2.69 acres), and improvements to Monument Road (6.75 acres).

Since the final EIR was certified and the Biological Assessment prepared in August of 2002, some design modifications have occurred to reduce project impacts on the least Bell's vireo (*Vireo bellii pusillus*, "vireo") territories, thereby reducing the mitigation requirements for this species. Accordingly, a January 9, 2003, letter from Tierra Environmental Services to the Service described these revisions to the project description.

The Service issued a Biological Opinion (FWS-SDG-3302.1) on January 16, 2003. The Biological Opinion describes the project actions and sets forth measures to mitigate impacts to the vireo, southwestern willow flycatcher (*Empidonax traillii extimus*, "willow flycatcher"), and the coastal California gnatcatcher (*Poliophtila californica californica*, "gnatcatcher"). All three species are listed as endangered under the federal Endangered Species Act (ESA 1973, as amended), and the first two species are also listed under the California Endangered Species Act, Fish and Game Code section 2050, *et seq.* (CESA). The Biological Opinion also incorporates protection against potential project-related impacts on the Belding's savannah sparrow (*Passerculus sandwichensis beldingi*, savannah sparrow) which is listed as endangered under CESA. The project would not affect habitat of the savannah sparrow.

Based on the Service's Biological Opinion, project construction and implementation would cause the permanent loss of approximately 6 acres of mulefat scrub and elderberry/disturbed mulefat scrub, 0.716 acre of maritime succulent scrub, 0.394 acre of southern willow scrub, and 0.100 acre of southern maritime chaparral, which serve as habitat for least Bell's vireo and willow flycatcher.

On January 28, 2003, the Director of the Department of Fish and Game (Department) received a notice from Tierra Environmental Services, seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the Biological Opinion is consistent with CESA.

DETERMINATION

Based on the terms and conditions in Biological Opinion No. FWS-SDG-3302.1, the Department finds that the Biological Opinion is consistent with CESA

because the project and the mitigation measures meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) for authorization of incidental take of species protected under CESA. Important to the Department's findings are: (a) the project, under the measures described in the Biological Opinion, would cause no direct mortality of species listed under CESA; and, (b) several measures in the Biological Opinion minimize and mitigate expected or potential impacts to the vireo and flycatcher. These measures include, but are not limited to, the following, with which NOAA and its designated agencies and individuals must comply:

1. The construction of all project features including sedimentation basins, diversion structure, loading and processing area, improvements to Monument Road, and restoration site excavation and grading shall be performed outside the breeding season of the vireo (March 15 to September 15), willow flycatcher (May 1 to September 15), and gnatcatcher (February 15 to August 15).
2. No grading of the sites chosen for habitat replacement or improvements to Monument Road will occur during the breeding season of the savannah sparrow (February 15 to August 15).
3. All areas proposed for mitigation will be cleared of exotic (i.e., non-native) plant species and replaced with native species. This includes 20.71 acres of mulefat scrub habitat and 2.59 acres of southern willow scrub that will be planted in ruderal areas on the Goat Canyon alluvial plain; and 2.16 acres of maritime succulent scrub and 0.1 acre of southern mixed chaparral that will be planted on the proposed visual berm.
4. An aggressive weed eradication program using short-lived water-safe herbicides will be conducted at all locations where native plant species will be planted to serve as replacement habitat to offset permanent and temporary project impacts.
5. The application of herbicides shall be conducted by a person who has knowledge of and can recognize and identify southern California native plants to avoid impacts to non-target plant species.
6. Herbicides shall only be applied during still (i.e., non-windy) conditions.
7. Grading will remove approximately the top 3 feet of surface material from the floodplain at a 2.59-acre site that will be planted with willow scrub. The purpose of this grading is to create a depression in the floodplain to capture initial surface flows released from the sedimentation basins.
8. Grading will remove approximately 2 feet of surface material from the floodplain at a 5.8-acre site located in the southern portion of the 20.71-acre mulefat scrub restoration area. The purpose of this grading is to increase the extent of the floodplain that will be inundated by a 2-year or greater storm event.
9. The five year monitoring obligation for restoration sites will be completed when the vegetation at each of the mitigation sites has met the established success criteria and has not received supplemental irrigation for a minimum of two consecutive summers.
10. Each entity conducting construction, restoration, or monitoring efforts shall submit its name, title, agency and/or business represented, and telephone number prior to the initiation of work activities associated with the project and annually thereafter to the Service until the restoration effort has been deemed successful based on monitoring requirements and established success criteria.
11. Efforts to evaluate the success of the restoration effort shall include an annual meeting and site visit to the project site that includes the Service, State Parks, California Coastal Conservancy, entities conducting restoration and monitoring efforts, and any other interested agencies who choose to participate including, but not limited to, the California Department of Fish and Game, Corps of Engineers, and the California Coastal Commission.
12. NOAA, or its designated contact, shall submit an annual report to the Service that describes and summarizes the implementation of the proposed project and its required conservation measures.

Pursuant to section 2080.1 of the Fish and Game Code, no additional incidental take authorization under CESA will be required for incidental take of the vireo or the flycatcher. Any substantive changes to the project as described in the Biological Opinion, including changes to the mitigation measures, will require the applicant to obtain a new Consistency Determination or a CESA incidental take permit from the Department.

Although not conditions of the Biological Opinion, the Department requests that the applicant submit copies of information identified in measures 10 and 12 above to the Department's South Coast Regional Office (SCR) and inform the Department's SCR in advance of the annual meeting and site visit identified in measure 11 above.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 18, 2003, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a two-month variance renewal to the City of Santa Clara. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household hazardous waste collections. This variance authorizes the City of Santa Clara to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. The wastes are to be collected during their annual cleanup campaign and as part of their HHW collection program. No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On February 18, 2003, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance to Inyo County's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes Inyo County's household hazardous waste collection facilities to accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163, subsection (a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

FISH AND GAME COMMISSION

**(Continuation of California
Notice Register 2003, No. 7-Z,
Notice File No. Z03-0204-12, and
Meeting of February 7, 2002)**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

(NOTE: The Commission is exercising its powers under Section 202 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption. See the text of this notice.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 203, 219, 220, 331, 332, 460, 1050, 1572, 3003.1, 3452, 3453, 4181, 4334, 4370, 4902 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 207, 331, 332, 458, 459, 460, 713, 1050, 1570-1572, 3003.1, 3452, 3453, 3950, 3951, 4181, 4334, 4370, 4902, 10500 and 10502 of said Code, proposes to amend sections **354**, 360, 361, 362, 363 and 364, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2003-04 Mammal Hunting Regulations.

Pursuant to the provisions of sections 203 and 203.1 of the Fish and Game Code, the Fish and Game Commission will consider populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony in adopting season, bag and possession limits, and areas of take, and prescribe the manner and means of taking as part of the 2003-04 Mammal Hunting Regulations.

At the Fish and Game Commission's meeting on February 7, 2003, the Department of Fish and Game made the following recommendations for changes relative to game mammal, furbearer and nongame mammal regulations for the 2003-2004 seasons: proposes to amend sections 360, 361, 362, 363, and 364, Title 14, California Code of Regulations, to make tag quota changes, clarifications, and urgency changes for the 2003-2004 Mammal Hunting Regulations.

Proposed changes to sections as set forth in Notice Register 2003, No. 7-Z, Notice File No. Z03-0204-12, remain the same, except for a public recommendation for clarifying language for Section 354. The New Informative Digest for Section 354 has been added as follows.

NEW INFORMATIVE DIGEST/PLAIN
ENGLISH OVERVIEW

**Section 354. Archery Equipment and
Crossbow Regulations**

Existing regulations regarding archery equipment define a legal broad head as one with blades which will not pass through a hole seven-eighths inch in diameter. Mechanical/retractable broad heads operate with blades which are closed during flight but open upon impact. When the blades are closed, the broad head will pass through a hole seven-eighths inch in diameter. This has led to confusion regarding the legality of using mechanical/retractable broad heads in California, and has led to an inconsistent application of the law. The regulation proposal will identify that mechanical/retractable broad heads are to be measured in the open position, and if the blades then can not pass through a hole seven-eighths inch in diameter they will be legal to use to take big-game in California.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisor's Chambers, Administration Building, 2800 W. Burrel, Visalia, CA, on Friday, April 4, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested that written comments be submitted on or before April 4, 2003, at the address given below, or by fax at 916-653-5040, or by e-mail at FGC@dfg.ca.gov, but must be received no later than April 4, 2003, at the hearing in Visalia, CA. E-mail comments must include a true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding phone number. John Carlson, Department of Fish and Game, (916) 445-3555 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:
The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. This proposed action more clearly defines existing regulations. Therefore, this proposal is expected to be economically neutral to business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

STRUCTURAL PEST CONTROL BOARD

NOTICE OF PROPOSED REGULATORY ACTION

CHANGE OF LOCATION FOR PUBLIC HEARING

The California Regulatory Notice Register dated April 4, 2003 indicated that the Structural Pest Control Board was proposing a regulation that would Amend Section 1914, Amend Section 1918, Amend Section 1920, Amend Section 1948, Amend Section 1950, Amend Section 1970(a), Amend Section 1983, Adopt 1993.1, Amend 1993, 1996, 1998 and Adopt 1996.3, Amend Section 1991(a)(13).

The Structural Pest Control Board will conduct a public hearing on this proposed regulation on April 4, 2003, at a different location than stated in the original notice. The new hearing location is:

The Employment Development Department
722 Capitol Mall Auditorium
Sacramento, California
The hearing will begin at 8:00 a.m.

For additional information, please contact Delores Coleman, 1418 Howe Ave. Suite 18, Sacramento California, 95825 at (916) 561-8700.

PROPOSITION 65

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY MARCH 14, 2003

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

| <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> |
|---|-----------------------|----------------------------|
| A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole) | 26148685 | January 1, 1990 |
| Acetaldehyde | 75070 | April 1, 1988 |
| Acetamide | 60355 | January 1, 1990 |
| Acetochlor | 34256821 | January 1, 1989 |
| 2-Acetylaminofluorene | 53963 | July 1, 1987 |
| Acifluorfen | 62476599 | January 1, 1990 |
| Acrylamide | 79061 | January 1, 1990 |
| Acrylonitrile | 107131 | July 1, 1987 |
| Actinomycin D | 50760 | October 1, 1989 |
| Adriamycin (Doxorubicin hydrochloride) | 23214928 | July 1, 1987 |
| AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide | 3688537 | July 1, 1987 |
| Aflatoxins | — | January 1, 1988 |
| Alachlor | 15972608 | January 1, 1989 |
| Alcoholic beverages, when associated with alcohol abuse | — | July 1, 1988 |
| Aldrin | 309002 | July 1, 1988 |
| Allyl chloride | 107051 | January 1, 1990 |
| Delisted October 29, 1999 | 117793 | October 1, 1989 |
| 2-Aminoanthraquinone | 60093 | January 1, 1990 |
| p-Aminoazobenzene | 97563 | July 1, 1987 |
| ortho-Aminoazotoluene | | |

| <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> | <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> |
|---|-----------------------|-------------------|---|-----------------------|----------------------------|
| 4-Aminobiphenyl (4-aminodiphenyl) | 92671 | February 27, 1987 | Bracken fern | — | January 1, 1990 |
| 1-Amino-2,4-dibromo- anthraquinone | 81492 | August 26, 1997 | Bromate | 15541454 | May 31, 2002 |
| 3-Amino-9-ethylcarbazole hydrochloride | 6109973 | July 1, 1989 | Bromodichloromethane | 75274 | January 1, 1990 |
| 2-Aminofluorene | 153786 | January 29, 1999 | Bromoethane | 74964 | December 22, 2000 |
| 1-Amino-2-methylanth- raquinone | 82280 | October 1, 1989 | Bromoform | 75252 | April 1, 1991 |
| 2-Amino-5-(5-nitro-2-furyl)-1,3,4- thiadiazole | 712685 | July 1, 1987 | 1,3-Butadiene | 106990 | April 1, 1988 |
| 4-Amino-2-nitrophenol | 119346 | January 29, 1999 | 1,4-Butanediol dimethanesulfonate (Busulfan) | 55981 | February 27, 1987 |
| Amitrole | 61825 | July 1, 1987 | Butylated hydroxyanisole | 25013165 | January 1, 1990 |
| Analgesic mixtures containing phenacetin | — | February 27, 1987 | beta-Butyrolactone | 3068880 | July 1, 1987 |
| Aniline | 62533 | January 1, 1990 | Cacodylic acid | 75605 | May 1, 1996 |
| Aniline hydrochloride | 142041 | May 15, 1998 | Cadmium and cadmium compounds | — | October 1, 1987 |
| ortho-Anisidine | 90040 | July 1, 1987 | Caffeic acid | 331395 | October 1, 1994 |
| ortho-Anisidine hydro- chloride | 134292 | July 1, 1987 | Captafol | 2425061 | October 1, 1988 |
| Antimony oxide (Antimony trioxide) | 1309644 | October 1, 1990 | Captan | 133062 | January 1, 1990 |
| Aramite | 140578 | July 1, 1987 | Carbazole | 86748 | May 1, 1996 |
| Arsenic (inorganic arsenic compounds) | — | February 27, 1987 | Carbon black (airborne, unbound particles of respirable size) | 1333864 | February 21, 2003 |
| Asbestos | 1332214 | February 27, 1987 | Carbon tetrachloride | 56235 | October 1, 1987 |
| Auramine | 492808 | July 1, 1987 | Carbon-black extracts | — | January 1, 1990 |
| Azacitidine | 320672 | January 1, 1992 | N-Carboxymethyl-N- nitrosourea | 60391926 | January 25, 2002 |
| Azaserine | 115026 | July 1, 1987 | Ceramic fibers (airborne particles of respirable size) | — | July 1, 1990 |
| Azathioprine | 446866 | February 27, 1987 | Certain combined chemotherapy for lymphomas | — | February 27, 1987 |
| Azobenzene | 103333 | January 1, 1990 | Chlorambucil | 305033 | February 27, 1987 |
| Benz[a]anthracene | 56553 | July 1, 1987 | Chloramphenicol | 56757 | October 1, 1989 |
| Benzene | 71432 | February 27, 1987 | Chlordane | 57749 | July 1, 1988 |
| Benzidine [and its salts] | 92875 | February 27, 1987 | Chlordecone (Kepone) | 143500 | January 1, 1988 |
| Benzidine-based dyes | — | October 1, 1992 | Chlordimeform | 6164983 | January 1, 1989 |
| Benzo[b]fluoranthene | 205992 | July 1, 1987 | Chlorendic acid | 115286 | July 1, 1989 |
| Benzo[j]fluoranthene | 205823 | July 1, 1987 | Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight) | 108171262 | July 1, 1989 |
| Benzo[k]fluoranthene | 207089 | July 1, 1987 | p-Chloroaniline | 106478 | October 1, 1994 |
| Benzofuran | 271896 | October 1, 1990 | p-Chloroaniline hydrochloride | 20265967 | May 15, 1998 |
| Benzo[a]pyrene | 50328 | July 1, 1987 | Chlorodibromomethane Delisted October 29, 1999 | 124481 | January 1, 1990 |
| Benzotrichloride | 98077 | July 1, 1987 | Chloroethane (Ethyl chloride) | 75003 | July 1, 1990 |
| Benzyl chloride | 100447 | January 1, 1990 | 1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) | 13010474 | January 1, 1988 |
| Benzyl violet 4B | 1694093 | July 1, 1987 | (Lomustine) | — | — |
| Beryllium and beryllium compounds | — | October 1, 1987 | 1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU) | 13909096 | October 1, 1988 |
| Betel quid with tobacco | — | January 1, 1990 | Chloroform | 67663 | October 1, 1987 |
| 2,2-Bis(bromomethyl)-1,3- propanediol | 3296900 | May 1, 1996 | Chloromethyl methyl ether (technical grade) | 107302 | February 27, 1987 |
| Bis(2-chloroethyl)ether | 111444 | April 1, 1988 | 3-Chloro-2-methylpropene | 563473 | July 1, 1989 |
| N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine) | 494031 | February 27, 1987 | 1-Chloro-4-nitrobenzene | 100005 | October 29, 1999 |
| Bischloroethyl nitrosourea (BCNU)(Carmustine) | 154938 | July 1, 1987 | 4-Chloro-ortho-phenylenedia- mine | 95830 | January 1, 1988 |
| Bis(chloromethyl)ether | 542881 | February 27, 1987 | p-Chloro-o-toluidine | 95692 | January 1, 1990 |
| Bis(2-chloro-1-methylethyl)ether, technical grade | — | October 29, 1999 | p-Chloro-o-toluidine, strong acid salts of | — | May 15, 1998 |
| Bitumens, extracts of steam-refined and air refined | — | January 1, 1990 | 5-Chloro-o-toluidine and its strong acid salts | — | October 24, 1997 |

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| Chloroprene | 126998 | June 2, 2000 | Dibenzo[a,e]pyrene | 192654 | January 1, 1988 |
| Chlorothalonil | 1897456 | January 1, 1989 | Dibenzo[a,h]pyrene | 189640 | January 1, 1988 |
| Chlorotrianisene | 569573 | September 1, 1996 | Dibenzo[a,i]pyrene | 189559 | January 1, 1988 |
| Chlorozotocin | 54749905 | January 1, 1992 | Dibenzo[a,l]pyrene | 191300 | January 1, 1988 |
| Chromium (hexavalent compounds) | — | February 27, 1987 | 1,2-Dibromo-3-chloropropane (DBCP) | 96128 | July 1, 1987 |
| Chrysene | 218019 | January 1, 1990 | 2,3-Dibromo-1-propanol | 96139 | October 1, 1994 |
| C.I. Acid Red 114 | 6459945 | July 1, 1992 | Dichloroacetic acid | 79436 | May 1, 1996 |
| C.I. Basic Red 9 monohydrochloride | 569619 | July 1, 1989 | p-Dichlorobenzene | 106467 | January 1, 1989 |
| C.I. Direct Blue 15 | 2429745 | August 26, 1997 | 3,3'-Dichlorobenzidine | 91941 | October 1, 1987 |
| C.I. Direct Blue 218 | 28407376 | August 26, 1997 | dihydrochloride | 612839 | May 15, 1998 |
| C.I. Solvent Yellow 14 | 842079 | May 15, 1998 | 1,4-Dichloro-2-butene | 764410 | January 1, 1990 |
| Ciclosporin (Cyclosporin A; Cyclosporine) | 59865133 79217600 | January 1, 1992 | 3,3'-Dichloro-4,4'-diaminodiphenyl ether | 28434868 | January 1, 1988 |
| Cidofovir | 113852372 | January 29, 1999 | 1,1-Dichloroethane | 75343 | January 1, 1990 |
| Cinnamyl anthranilate | 87296 | July 1, 1989 | Dichloromethane (Methylene chloride) | 75092 | April 1, 1988 |
| Cisplatin | 15663271 | October 1, 1988 | 1,2-Dichloropropane | 78875 | January 1, 1990 |
| Citrus Red No. 2 | 6358538 | October 1, 1989 | 1,3-Dichloropropene | 542756 | January 1, 1989 |
| Clofibrate | 637070 | September 1, 1996 | Dieldrin | 60571 | July 1, 1988 |
| Cobalt metal powder | 7440484 | July 1, 1992 | Dienestrol | 84173 | January 1, 1990 |
| Cobalt [II] oxide | 1307966 | July 1, 1992 | Diepoxybutane | 1464535 | January 1, 1988 |
| Cobalt sulfate heptahydrate | 10026241 | June 2, 2000 | Diesel engine exhaust | — | October 1, 1990 |
| Coke oven emissions | — | February 27, 1987 | Di(2-ethylhexyl)phthalate | 117817 | January 1, 1988 |
| Conjugated estrogens | — | February 27, 1987 | 1,2-Diethylhydrazine | 1615801 | January 1, 1988 |
| Creosotes | — | October 1, 1988 | Diethyl sulfate | 64675 | January 1, 1988 |
| para-Cresidine | 120718 | January 1, 1988 | Diethylstilbestrol (DES) | 56531 | February 27, 1987 |
| Cupferron | 135206 | January 1, 1988 | Diglycidyl resorcinol ether (DGRE) | 101906 | July 1, 1989 |
| Cycasin | 14901087 | January 1, 1988 | Dihydrosafrole | 94586 | January 1, 1988 |
| Cyclophosphamide (anhydrous) | 50180 | February 27, 1987 | Diisopropyl sulfate | 2973106 | April 1, 1993 |
| Cyclophosphamide (hydrated) | 6055192 | February 27, 1987 | 3,3'-Dimethoxybenzidine (ortho-Dianisidine) | 119904 | January 1, 1988 |
| Cytombena | 21739913 | May 15, 1998 | 3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride) | 20325400 | October 1, 1990 |
| D&C Orange No. 17 | 3468631 | July 1, 1990 | Dimethyl sulfate | 77781 | January 1, 1988 |
| D&C Red No. 8 | 2092560 | October 1, 1990 | 4-Dimethylaminoazo- benzene | 60117 | January 1, 1988 |
| D&C Red No. 9 | 5160021 | July 1, 1990 | trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole | 55738540 | January 1, 1988 |
| D&C Red No. 19 | 81889 | July 1, 1990 | 7,12-Dimethylbenz(a) anthracene | 57976 | January 1, 1990 |
| Dacarbazine | 4342034 | January 1, 1988 | 3,3'-Dimethylbenzidine (ortho-Tolidine) | 119937 | January 1, 1988 |
| Daminozide | 1596845 | January 1, 1990 | 3,3'-Dimethylbenzidine dihydrochloride | 612828 | April 1, 1992 |
| Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none) | 117102 | January 1, 1992 | Dimethylcarbamoyl chloride | 79447 | January 1, 1988 |
| Daunomycin | 20830813 | January 1, 1988 | 1,1-Dimethylhydrazine (UDMH) | 57147 | October 1, 1989 |
| DDD (Dichlorodiphenyldichloro- ethane) | 72548 | January 1, 1989 | 1,2-Dimethylhydrazine | 540738 | January 1, 1988 |
| DDE (Dichlorodiphenyldichloro- ethylene) | 72559 | January 1, 1989 | Dimethylvinylchloride | 513371 | July 1, 1989 |
| DDT (Dichlorodiphenyltrichloro- ethane) | 50293 | October 1, 1987 | 3,7-Dinitrofluoranthene | 105735715 | August 26, 1997 |
| DDVP (Dichlorvos) | 62737 | January 1, 1989 | 3,9-Dinitrofluoranthene | 22506532 | August 26, 1997 |
| N,N'-Diacetylbenzidine | 613354 | October 1, 1989 | 1,6-Dinitropyrene | 42397648 | October 1, 1990 |
| 2,4-Diaminoanisole | 615054 | October 1, 1990 | 1,8-Dinitropyrene | 42397659 | October 1, 1990 |
| 2,4-Diaminoanisole sulfate | 39156417 | January 1, 1988 | Dinitrotoluene mixture, 2,4-/2,6- 2,4-Dinitrotoluene | 121142 | May 1, 1996 |
| 4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline) | 101804 | January 1, 1988 | 2,6-Dinitrotoluene | 606202 | July 1, 1995 |
| 2,4-Diaminotoluene | 95807 | January 1, 1988 | Di-n-propyl isocinchomer- onate (MGK Repellent 326) | 136458 | May 1, 1996 |
| Diaminotoluene (mixed) | — | January 1, 1990 | | | |
| Dibenz[a,h]acridine | 226368 | January 1, 1988 | | | |
| Dibenz[a,j]acridine | 224420 | January 1, 1988 | | | |
| Dibenz[a,h]anthracene | 53703 | January 1, 1988 | | | |
| 7H-Dibenzo[c,g]carbazole | 194592 | January 1, 1988 | | | |

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| 1,4-Dioxane | 123911 | January 1, 1988 | Heptachlor epoxide | 1024573 | July 1, 1988 |
| Diphenylhydantoin (Pheny- toin) | 57410 | January 1, 1988 | Hexachlorobenzene | 118741 | October 1, 1987 |
| Diphenylhydantoin (Phenytoin), sodium salt | 630933 | January 1, 1988 | Hexachlorocyclohexane (technical grade) | — | October 1, 1987 |
| Direct Black 38 (technical grade) | 1937377 | January 1, 1988 | Hexachlorodibenzo- dioxin | 34465468 | April 1, 1988 |
| Direct Blue 6 (technical grade) | 2602462 | January 1, 1988 | Hexachloroethane | 67721 | July 1, 1990 |
| Direct Brown 95 | | | Hexamethylphosphora- mide | 680319 | January 1, 1988 |
| (technical grade) | 16071866 | October 1, 1988 | Hydrazine | 302012 | January 1, 1988 |
| Disperse Blue 1 | 2475458 | October 1, 1990 | Hydrazine sulfate | 10034932 | January 1, 1988 |
| Diuron | 330541 | May 31, 2002 | Hydrazobenzene (1,2-Diphenylhydrazine) | 122667 | January 1, 1988 |
| Epichlorohydrin | 106898 | October 1, 1987 | Indeno [1,2,3-cd]pyrene | 193395 | January 1, 1988 |
| Erionite | 12510428 | October 1, 1988 | Indium phosphide | 22398807 | February 27, 2001 |
| Estradiol 17B | 50282 | January 1, 1988 | IQ (2-Amino-3- methylimidazo[4,5-f] quinoline) | 76180966 | April 1, 1990 |
| Estragole | 140670 | October 29, 1999 | Iprodione | 36734197 | May 1, 1996 |
| Estrone | 53167 | January 1, 1988 | Iron dextran complex | 9004664 | January 1, 1988 |
| Estropipate | 7280377 | August 26, 1997 | Isobutyl nitrite | 542563 | May 1, 1996 |
| Ethinylestradiol | 57636 | January 1, 1988 | Isoprene | 78795 | May 1, 1996 |
| Ethoprop | 13194484 | February 27, 2001 | Isosafrole | 120581 | October 1, 1989 |
| Ethyl acrylate | 140885 | July 1, 1989 | Isoxaflutole | 141112290 | December 22, 2000 |
| Ethyl methanesulfonate | 62500 | January 1, 1988 | | | |
| Ethyl-4,4'-dichloro- benzilate | 510156 | January 1, 1990 | Lactofen | 77501634 | January 1, 1989 |
| Ethylene dibromide | 106934 | July 1, 1987 | Lasiocarpine | 303344 | April 1, 1988 |
| Ethylene dichloride (1,2-Dichloroethane) | 107062 | October 1, 1987 | Lead acetate | 301042 | January 1, 1988 |
| Ethylene oxide | 75218 | July 1, 1987 | Lead and lead compounds | — | October 1, 1992 |
| Ethylene thiourea | 96457 | January 1, 1988 | Lead phosphate | 7446277 | April 1, 1988 |
| Ethyleneimine | 151564 | January 1, 1988 | Lead subacetate | 1335326 | October 1, 1989 |
| | | | Lindane and other hexachlorocyclohexane isomers | — | October 1, 1989 |
| Fenoxycarb | 72490018 | June 2, 2000 | Lynestrenol | 52766 | February 27, 2001 |
| Folpet | 133073 | January 1, 1989 | | | |
| Formaldehyde (gas) | 50000 | January 1, 1988 | Mancozeb | 8018017 | January 1, 1990 |
| 2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole | 3570750 | January 1, 1988 | Maneb | 12427382 | January 1, 1990 |
| Furan | 110009 | October 1, 1993 | Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole) | 68006837 | January 1, 1990 |
| Furazolidone | 67458 | January 1, 1990 | Medroxyprogesterone acetate | 71589 | January 1, 1990 |
| Furmecyclohex | 60568050 | January 1, 1990 | MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline) | 77094112 | October 1, 1994 |
| Fusarin C | 79748815 | July 1, 1995 | MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline) | 77500040 | October 1, 1994 |
| Ganciclovir sodium | 82410320 | August 26, 1997 | Melphalan | 148823 | February 27, 1987 |
| Gasoline engine exhaust (condensates/extracts) | — | October 1, 1990 | Merphalan | 531760 | April 1, 1988 |
| Gemfibrozil | 25812300 | December 22, 2000 | Mestranol | 72333 | April 1, 1988 |
| Glasswool fibers (airborne particles of respirable size) | — | July 1, 1990 | Metham sodium | 137428 | November 6, 1998 |
| Glu-P-1 (2-Amino-6- methylpyrido[1,2- a:3',2'-d]imidazole) | 67730114 | January 1, 1990 | 8-Methoxypsoralen with ultraviolet A therapy | 298817 | February 27, 1987 |
| Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole) | 67730103 | January 1, 1990 | 5-Methoxypsoralen with ultraviolet A therapy | 484208 | October 1, 1988 |
| Glycidaldehyde | 765344 | January 1, 1988 | 2-Methylaziridine (Propyleneimine) | 75558 | January 1, 1988 |
| Glycidol | 556525 | July 1, 1990 | Methylazoxymethanol | 590965 | April 1, 1988 |
| Griseofulvin | 126078 | January 1, 1990 | Methylazoxymethanol acetate | 592621 | April 1, 1988 |
| Gyromitrin (Acetaldehyde methylformylhydra- zone) | 16568028 | January 1, 1988 | Methyl carbamate | 598550 | May 15, 1998 |
| HC Blue 1 | 2784943 | July 1, 1989 | | | |
| Heptachlor | 76448 | July 1, 1988 | | | |

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| 3-Methylcholanthrene | 56495 | January 1, 1990 | N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide | 531828 | April 1, 1988 |
| 5-Methylchrysene | 3697243 | April 1, 1988 | Nitrogen mustard | | |
| 4,4'-Methylene bis (2-chloroaniline) | 101144 | July 1, 1987 | (Mechlorethamine) | 51752 | January 1, 1988 |
| 4,4'-Methylene bis(N,N-dimethyl) benzenamine | 101611 | October 1, 1989 | Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride) | 55867 126852 | April 1, 1988 April 1, 1988 |
| 4,4'-Methylene bis (2-methylaniline) | 838880 | April 1, 1988 | Nitrogen mustard N-oxide | | |
| 4,4'-Methylenedianiline | 101779 | January 1, 1988 | Nitrogen mustard N-oxide hydrochloride | 302705 | April 1, 1988 |
| 4,4'-Methylenedianiline dihydrochloride | 13552448 | January 1, 1988 | Nitromethane | 75525 | May 1, 1997 |
| Methyleugenol | 93152 | November 16, 2001 | 2-Nitropropane | 79469 | January 1, 1988 |
| Methylhydrazine and its salts | — | July 1, 1992 | 1-Nitropyrene | 5522430 | October 1, 1990 |
| Methyl iodide | 74884 | April 1, 1988 | 4-Nitropyrene | 57835924 | October 1, 1990 |
| Methylmercury compounds | — | May 1, 1996 | N-Nitrosodi-n-butylamine | 924163 | October 1, 1987 |
| Methyl methanesulfonate | 66273 | April 1, 1988 | N-Nitrosodiethanolamine | 1116547 | January 1, 1988 |
| 2-Methyl-1-nitroanthraquin- one (of uncertain purity) | 129157 | April 1, 1988 | N-Nitrosodiethylamine | 55185 | October 1, 1987 |
| N-Methyl-N'-nitro-N- nitrosoguanidine | 70257 | April 1, 1988 | N-Nitrosodimethylamine | 62759 | October 1, 1987 |
| N-Methylolacrylamide | 924425 | July 1, 1990 | p-Nitrosodiphenylamine | 156105 | January 1, 1988 |
| Methylthiouracil | 56042 | October 1, 1989 | N-Nitrosodiphenylamine | 86306 | April 1, 1988 |
| Metiram | 9006422 | January 1, 1990 | N-Nitrosodi-n-propylamine | 621647 | January 1, 1988 |
| Metronidazole | 443481 | January 1, 1988 | N-Nitroso-N-ethylurea | 759739 | October 1, 1987 |
| Michler's ketone | 90948 | January 1, 1988 | 3-(N-Nitrosomethylamino) propionitrile | 60153493 | April 1, 1990 |
| Mirex | 2385855 | January 1, 1988 | 4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone | 64091914 | April 1, 1990 |
| Mitomycin C | 50077 | April 1, 1988 | N-Nitrosomethylethyl- amine | 10595956 | October 1, 1989 |
| Monocrotaline | 315220 | April 1, 1988 | N-Nitroso-N-methylurea | 684935 | October 1, 1987 |
| 5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone | 139913 | April 1, 1988 | N-Nitroso-N-methylurethane | 615532 | April 1, 1988 |
| Mustard Gas | 505602 | February 27, 1987 | N-Nitrosomethylvinyl- amine | 4549400 | January 1, 1988 |
| MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone) | 77439760 | December 22, 2000 | N-Nitrosomorpholine | 59892 | January 1, 1988 |
| Nafenopin | 3771195 | April 1, 1988 | N-Nitrososarcosine | 16543558 | January 1, 1988 |
| Nalidixic acid | 389082 | May 15, 1998 | N-Nitrosopiperidine | 100754 | January 1, 1988 |
| Naphthalene | 91203 | April 19, 2002 | N-Nitrosopyrrolidine | 930552 | October 1, 1987 |
| 1-Naphthylamine | 134327 | October 1, 1989 | N-Nitrososarcosine | 13256229 | January 1, 1988 |
| 2-Naphthylamine | 91598 | February 27, 1987 | o-Nitrotoluene | 88722 | May 15, 1998 |
| Nickel and certain nickel compounds | — | October 1, 1989 | Norethisterone (Norethin- drone) | 68224 | October 1, 1989 |
| Nickel carbonyl | 13463393 | October 1, 1987 | Norethynodrel | 68235 | February 27, 2001 |
| Nickel refinery dust from the pyrometallurgical process | — | October 1, 1987 | Ochratoxin A | 303479 | July 1, 1990 |
| Nickel subsulfide | 12035722 | October 1, 1987 | Oil Orange SS | 2646175 | April 1, 1988 |
| Niridazole | 61574 | April 1, 1988 | Oral contraceptives, combined | — | October 1, 1989 |
| Nitrilotriacetic acid | 139139 | January 1, 1988 | Oral contraceptives, sequential | — | October 1, 1989 |
| Nitrilotriacetic acid, tri- sodium salt mono- hydrate | 18662538 | April 1, 1989 | Oxadiazon | 19666309 | July 1, 1991 |
| 5-Nitroacenaphthene | 602879 | April 1, 1988 | Oxazepam | 604751 | October 1, 1994 |
| 5-Nitro-o-anisidine | 99592 | October 1, 1989 | Oxymetholone | 434071 | January 1, 1988 |
| o-Nitroanisole | 91236 | October 1, 1992 | Oxythioquinox | 2439012 | August 20, 1999 |
| Nitrobenzene | 98953 | August 26, 1997 | Palygorskite fibers (>5µm in length) | 12174117 | December 28, 1999 |
| 4-Nitrobiphenyl | 92933 | April 1, 1988 | Panfuran S | 794934 | January 1, 1988 |
| 6-Nitrochrysene | 7496028 | October 1, 1990 | Pentachlorophenol | 87865 | January 1, 1990 |
| Nitrofen (technical grade) | 1836755 | January 1, 1988 | Phenacetin | 62442 | October 1, 1989 |
| 2-Nitrofluorene | 607578 | October 1, 1990 | Phenazopyridine | 94780 | January 1, 1988 |
| Nitrofurazone | 59870 | January 1, 1990 | Phenazopyridine hydrochloride | 136403 | January 1, 1988 |
| 1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone | 555840 | April 1, 1988 | Phenesterin | 3546109 | July 1, 1989 |
| | | | Phenobarbital | 50066 | January 1, 1990 |
| | | | Phenolphthalein | 77098 | May 15, 1998 |
| | | | Phenoxybenzamine | 59961 | April 1, 1988 |

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| Phenoxybenzamine | | | Terrazole | 2593159 | October 1, 1994 |
| hydrochloride | 63923 | April 1, 1988 | Testosterone and its esters | 58220 | April 1, 1988 |
| o-Phenylenediamine and its salts | 95545 | May 15, 1998 | 2,3,7,8-Tetrachlorodibenzo-para- | | |
| Phenyl glycidyl ether | 122601 | October 1, 1990 | dioxin (TCDD) | 1746016 | January 1, 1988 |
| Phenylhydrazine and its salts | — | July 1, 1992 | 1,1,2,2-Tetrachloroethane | 79345 | July 1, 1990 |
| o-Phenylphenate, sodium | 132274 | January 1, 1990 | Tetrachloroethylene | | |
| o-Phenylphenol | 90437 | August 4, 2000 | (Perchloroethylene) | 127184 | April 1, 1988 |
| PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine) | 105650235 | October 1, 1994 | p-a,a,a-Tetrachloro-toluene | 5216251 | January 1, 1990 |
| Polybrominated biphenyls | — | January 1, 1988 | Tetrafluoroethylene | 116143 | May 1, 1997 |
| Polychlorinated biphenyls | — | October 1, 1989 | Tetranitromethane | 509148 | July 1, 1990 |
| Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight) | — | January 1, 1988 | Thioacetamide | 62555 | January 1, 1988 |
| Polychlorinated dibenzo-p-dioxins | — | October 1, 1992 | 4,4'-Thiodianiline | 139651 | April 1, 1988 |
| Polychlorinated dibenzofurans | — | October 1, 1992 | Thiodicarb | 59669260 | August 20, 1999 |
| Polygeenan | 53973981 | January 1, 1988 | Thiourea | 62566 | January 1, 1988 |
| Ponceau MX | 3761533 | April 1, 1988 | Thorium dioxide | 1314201 | February 27, 1987 |
| Ponceau 3R | 3564098 | April 1, 1988 | Tobacco, oral use of smokeless products | — | April 1, 1988 |
| Potassium bromate | 7758012 | January 1, 1990 | Tobacco smoke | — | April 1, 1988 |
| Primidone | 125337 | August 20, 1999 | Toluene diisocyanate | 26471625 | October 1, 1989 |
| Procabazine | 671169 | January 1, 1988 | ortho-Toluidine | 95534 | January 1, 1988 |
| Procabazine hydrochloride | 366701 | January 1, 1988 | ortho-Toluidine hydrochloride | 636215 | January 1, 1988 |
| Procyridone | 32809168 | October 1, 1994 | para-Toluidine | 106490 | January 1, 1990 |
| Progesterone | 57830 | January 1, 1988 | Delisted October 29, 1999 | | |
| Pronamide | 23950585 | May 1, 1996 | Toxaphene (Polychlorinated camphenes) | 8001352 | January 1, 1988 |
| Propachlor | 1918167 | February 27, 2001 | Treosulfan | 299752 | February 27, 1987 |
| 1,3-Propane sultone | 1120714 | January 1, 1988 | Trichlormethine (Trimustine hydrochloride) | 817094 | January 1, 1992 |
| Propargite | 2312358 | October 1, 1994 | Trichloroethylene | 79016 | April 1, 1988 |
| beta-Propiolactone | 57578 | January 1, 1988 | 2,4,6-Trichlorophenol | 88062 | January 1, 1988 |
| Propylene oxide | 75569 | October 1, 1988 | 1,2,3-Trichloropropane | 96184 | October 1, 1992 |
| Propylthiouracil | 51525 | January 1, 1988 | Trimethyl phosphate | 512561 | May 1, 1996 |
| Pyridine | 110861 | May 17, 2002 | 2,4,5-Trimethylaniline and its strong acid salts | — | October 24, 1997 |
| Quinoline and its strong acid salts | — | October 24, 1997 | Triphenyltin hydroxide | 76879 | July 1, 1992 |
| Radionuclides | — | July 1, 1989 | Tris(aziridinyl)-para-benzoquinone (Triaziquone) | 68768 | October 1, 1989 |
| Reserpine | 50555 | October 1, 1989 | Tris(1-aziridinyl)phosphine sulfide (Thiotepa) | 52244 | January 1, 1988 |
| Residual (heavy) fuel oils | — | October 1, 1990 | Tris(2-chloroethyl) phosphate | 115968 | April 1, 1992 |
| <u>Saccharin</u> | | | Tris(2,3-dibromopropyl)phosphate | 126727 | January 1, 1988 |
| <u>Delisted April 6, 2001</u> | 81072 | October 1, 1989 | Trp-P-1 (Tryptophan-P-1) | 62450060 | April 1, 1988 |
| <u>Saccharin, sodium</u> | | | Trp-P-2 (Tryptophan-P-2) | 62450071 | April 1, 1988 |
| <u>Delisted January 17, 2003</u> | 128449 | January 1, 1988 | Trypan blue (commercial grade) | 72571 | October 1, 1989 |
| Safrole | 94597 | January 1, 1988 | Unleaded gasoline (wholly vaporized) | — | April 1, 1988 |
| Salicylazosulfapyridine | 599791 | May 15, 1998 | Uracil mustard | 66751 | April 1, 1988 |
| Selenium sulfide | 7446346 | October 1, 1989 | Urethane (Ethyl carbamate) | 51796 | January 1, 1988 |
| Shale-oils | 68308349 | April 1, 1990 | Vinclozolin | 50471448 | August 20, 1999 |
| Silica, crystalline (airborne particles of respirable size) | — | October 1, 1988 | Vinyl bromide | 593602 | October 1, 1988 |
| Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils) | — | February 27, 1987 | Vinyl chloride | 75014 | February 27, 1987 |
| Spironolactone | 52017 | May 1, 1997 | 4-Vinylcyclohexene | 100403 | May 1, 1996 |
| Stanozolol | 10418038 | May 1, 1997 | 4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide) | 106876 | July 1, 1990 |
| Sterigmatocystin | 10048132 | April 1, 1988 | Vinyl fluoride | 75025 | May 1, 1997 |
| Streptozotocin (streptozocin) | 18883664 | January 1, 1988 | Vinyl trichloride (1,1,2-Trichloroethane) | 79005 | October 1, 1990 |
| <u>Strong inorganic acid mists containing sulfuric acid</u> | — | March 14, 2003 | | | |
| Styrene oxide | 96093 | October 1, 1988 | | | |
| Sulfallate | 95067 | January 1, 1988 | | | |
| Talc containing asbestiform fibers | — | April 1, 1990 | | | |
| Tamoxifen and its salts | 10540291 | September 1, 1996 | | | |

| <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> |
|--------------------------------------|---------------------|----------------------------|
| 2,6-Xylidine (2,6-Dimethylani-line) | 87627 | January 1, 1991 |
| Zileuton | 111406872 | December 22, 2000 |
| Zineb | 12122677 | January 1, 1990 |
| Delisted October 29, 1999 | | |

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

| <i>Chemical</i> | <i>Type of Reproductive Toxicity</i> | <i>CAS No.</i> | <i>Date Listed</i> |
|---|--------------------------------------|----------------|--------------------|
| Acetazolamide | developmental | 59665 | August 20, 1999 |
| Acetohydroxamic acid | developmental | 546883 | April 1, 1990 |
| Actinomycin D | developmental | 50760 | October 1, 1992 |
| All-trans retinoic acid | developmental | 302794 | January 1, 1989 |
| Alprazolam | developmental | 28981977 | July 1, 1990 |
| Altretamine | developmental, male | 645056 | August 20, 1999 |
| Amantadine hydrochloride | developmental | 665667 | February 27, 2001 |
| Amikacin sulfate | developmental | 39831555 | July 1, 1990 |
| Aminoglutethimide | developmental | 125848 | July 1, 1990 |
| Aminoglycosides | developmental | — | October 1, 1992 |
| Aminopterin | developmental, female | 54626 | July 1, 1987 |
| Amiodarone hydrochloride | developmental, female, male | 19774824 | August 26, 1997 |
| Amitraz | developmental | 33089611 | March 30, 1999 |
| Amoxapine | developmental | 14028445 | May 15, 1998 |
| Anabolic steroids | female, male | — | April 1, 1990 |
| Angiotensin converting enzyme (ACE) inhibitors | developmental | — | October 1, 1992 |
| Anisindione | developmental | 117373 | October 1, 1992 |
| Arsenic (inorganic oxides) | developmental | — | May 1, 1997 |
| Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.) | developmental, female | 50782 | July 1, 1990 |
| Atenolol | developmental | 29122687 | August 26, 1997 |
| Auranofin | developmental | 34031328 | January 29, 1999 |
| Azathioprine | developmental | 446866 | September 1, 1996 |
| Barbiturates | developmental | — | October 1, 1992 |
| Beclomethasone dipropionate | developmental | 5534098 | May 15, 1998 |
| Benomyl | developmental, male | 17804352 | July 1, 1991 |
| Benzene | developmental, male | 71432 | December 26, 1997 |
| Benzodiazepines | developmental | — | October 1, 1992 |
| Benzphetamine hydrochloride | developmental | 5411223 | April 1, 1990 |
| Bischloroethyl nitrosourea (BCNU) (Carmustine) | developmental | 154938 | July 1, 1990 |
| Bromacil lithium salt | developmental, male | 53404196 | May 18, 1999 |
| Bromoxynil | developmental | 1689845 | January 17, 2003 |
| Bromoxynil octanoate | developmental | 1689992 | October 1, 1990 |
| Butabarbital sodium | developmental | 143817 | May 18, 1999 |
| 1,4-Butanediol dimethane-sulfonate (Busulfan) | developmental | 55981 | October 1, 1992 |
| Cadmium | developmental, male | — | January 1, 1989 |
| Carbamazepine | developmental | 298464 | May 1, 1997 |
| Carbon disulfide | developmental, female, male | 75150 | January 29, 1999 |
| Carbon monoxide | developmental | 630080 | July 1, 1989 |

| <i>Chemical</i> | <i>Type of Reproductive Toxicity</i> | <i>CAS No.</i> | <i>Date Listed</i> |
|---|--------------------------------------|-------------------|-----------------------------|
| Carboplatin | developmental | 41575944 | July 1, 1990 |
| Chenodiol | developmental | 474259 | April 1, 1990 |
| Chinomethionat (Oxythioquinox) | developmental | 2439012 | November 6, 1998 |
| Chlorambucil | developmental | 305033 | January 1, 1989 |
| Chlorcyclizine hydrochloride | developmental | 1620219 | July 1, 1987 |
| Chlordecone (Kepone) | developmental | 143500 | January 1, 1989 |
| Chlordiazepoxide | developmental | 58253 | January 1, 1992 |
| Chlordiazepoxide hydrochloride | developmental | 438415 | January 1, 1992 |
| 1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine) | developmental | 13010474 | July 1, 1990 |
| Chlorsulfuron | developmental, female, male | 64902723 | May 14, 1999 |
| Cidofovir | developmental, female, male | 113852372 | January 29, 1999 |
| Cladribine | developmental | 4291638 | September 1, 1996 |
| Clarithromycin | developmental | 81103119 | May 1, 1997 |
| Clobetasol propionate | developmental, female | 25122467 | May 15, 1998 |
| Clomiphene citrate | developmental | 50419 | April 1, 1990 |
| Clorazepate dipotassium | developmental | 57109907 | October 1, 1992 |
| Cocaine | developmental, female | 50362 | July 1, 1989 |
| Codeine phosphate | developmental | 52288 | May 15, 1998 |
| Colchicine | developmental, male | 64868 | October 1, 1992 |
| Conjugated estrogens | developmental | — | April 1, 1990 |
| Cyanazine | developmental | 21725462 | April 1, 1990 |
| Cycloate | developmental | 1134232 | March 19, 1999 |
| Cyclohexanol | male | 108930 | November 6, 1998 |
| Delisted January 25, 2002 | | | |
| Cycloheximide | developmental | 66819 | January 1, 1989 |
| Cyclophosphamide (anhydrous) | developmental, female, male | 50180 | January 1, 1989 |
| Cyclophosphamide (hydrated) | developmental, female, male | 6055192 | January 1, 1989 |
| Cyhexatin | developmental | 13121705 | January 1, 1989 |
| Cytarabine | developmental | 147944 | January 1, 1989 |
| Dacarbazine | developmental | 4342034 | January 29, 1999 |
| Danazol | developmental | 17230885 | April 1, 1990 |
| Daunorubicin hydrochloride | developmental | 23541506 | July 1, 1990 |
| 2,4-D butyric acid | developmental, male | 94826 | June 18, 1999 |
| o,p' -DDT | developmental, female, male | 789026 | May 15, 1998 |
| p,p' -DDT | developmental, female, male | 50293 | May 15, 1998 |
| 2,4-DP (dichloroprop) | developmental | 120365 | April 27, 1999 |
| Delisted January 25, 2002 | | | |
| Demeclocycline hydrochloride (internal use) | developmental | 64733 | January 1, 1992 |
| Diazepam | developmental | 439145 | January 1, 1992 |
| Diazoxide | developmental | 364987 | February 27, 2001 |
| 1,2-Dibromo-3-chloropropane (DBCP) | male | 96128 | February 27, 1987 |
| Dichlorophene | developmental | 97234 | April 27, 1999 |
| Dichlorophenamide | developmental | 120978 | February 27, 2001 |
| Diclofop methyl | developmental | 51338273 | March 5, 1999 |
| Dicumarol | developmental | 66762 | October 1, 1992 |
| Diethylstilbestrol (DES) | developmental | 56531 | July 1, 1987 |
| Diffunisal | developmental, female | 22494424 | January 29, 1999 |
| Dihydroergotamine mesylate | developmental | 6190392 | May 1, 1997 |
| Diltiazem hydrochloride | developmental | 33286225 | February 27, 2001 |
| m-Dinitrobenzene | male | 99650 | July 1, 1990 |
| o-Dinitrobenzene | male | 528290 | July 1, 1990 |
| p-Dinitrobenzene | male | 100254 | July 1, 1990 |
| 2,4-Dinitrotoluene | male | 121142 | August 20, 1999 |
| 2,6-Dinitrotoluene | male | 606202 | August 20, 1999 |
| Dinitrotoluene (technical grade) | female, male | — | August 20, 1999 |
| Dinocap | developmental | 39300453 | April 1, 1990 |
| Dinoseb | developmental, male | 88857 | January 1, 1989 |
| Diphenylhydantoin (Phenytoin) | developmental | 57410 | July 1, 1987 |

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| <i>Chemical</i> | <i>Type of Reproductive Toxicity</i> | <i>CAS No.</i> | <i>Date Listed</i> | <i>Chemical</i> | <i>Type of Reproductive Toxicity</i> | <i>CAS No.</i> | <i>Date Listed</i> |
|---|--|----------------|--------------------|---|--|----------------|--------------------|
| Disodium cyanodithio- imidocarbonate | developmental | 138932 | March 30, 1999 | Levodopa | developmental | 59927 | January 29, 1999 |
| Doxorubicin hydrochloride | developmental, male | 23214928 | January 29, 1999 | Levonorgestrel implants | female | 797637 | May 15, 1998 |
| Doxycycline (internal use) | developmental | 564250 | July 1, 1990 | Linuron | developmental | 330552 | March 19, 1999 |
| Doxycycline calcium (internal use) | developmental | 94088854 | January 1, 1992 | Lithium carbonate | developmental | 554132 | January 1, 1991 |
| Doxycycline hyclate (internal use) | developmental | 24390145 | October 1, 1991 | Lithium citrate | developmental | 919164 | January 1, 1991 |
| Doxycycline monohydrate (internal use) | developmental | 17086281 | October 1, 1991 | Lorazepam | developmental | 846491 | July 1, 1990 |
| Endrin | developmental | 72208 | May 15, 1998 | Lovastatin | developmental | 75330755 | October 1, 1992 |
| Epichlorohydrin | male | 106898 | September 1, 1996 | Mebendazole | developmental | 31431397 | August 20, 1999 |
| Ergotamine tartrate | developmental | 379793 | April 1, 1990 | Medroxyprogesterone acetate | developmental | 71589 | April 1, 1990 |
| Estropipate | developmental | 7280377 | August 26, 1997 | Megestrol acetate | developmental | 595335 | January 1, 1991 |
| Ethionamide | developmental | 536334 | August 26, 1997 | Melphalan | developmental | 148823 | July 1, 1990 |
| Ethyl alcohol in alcoholic beverages | developmental | — | October 1, 1987 | Menotropins | developmental | 9002680 | April 1, 1990 |
| Ethyl dipropylthiocarbamate | developmental | 759944 | April 27, 1999 | Meprobamate | developmental | 57534 | January 1, 1992 |
| Ethylene dibromide | developmental, male | 106934 | May 15, 1998 | Mercaptopurine | developmental | 6112761 | July 1, 1990 |
| Ethylene glycol monoethyl ether | developmental, male | 110805 | January 1, 1989 | Mercury and mercury compounds | developmental | — | July 1, 1990 |
| Ethylene glycol monomethyl ether | developmental, male | 109864 | January 1, 1989 | Methacycline hydrochloride | developmental | 3963959 | January 1, 1991 |
| Ethylene glycol monoethyl ether acetate | developmental, male | 111159 | January 1, 1993 | Metham sodium | developmental | 137428 | May 15, 1998 |
| Ethylene glycol monomethyl ether acetate | developmental, male | 110496 | January 1, 1993 | Methazole | developmental | 20354261 | December 1, 1999 |
| Ethylene oxide | female | 75218 | February 27, 1987 | Methimazole | developmental | 60560 | July 1, 1990 |
| Ethylene thiourea | developmental | 96457 | January 1, 1993 | Methotrexate | developmental | 59052 | January 1, 1989 |
| Etodolac | developmental, female | 41340254 | August 20, 1999 | Methotrexate sodium | developmental | 15475566 | April 1, 1990 |
| Etoposide | developmental | 33419420 | July 1, 1990 | Methyl bromide as a structural fumigant | developmental | 74839 | January 1, 1993 |
| Etretinate | developmental | 54350480 | July 1, 1987 | Methyl chloride | developmental | 74873 | March 10, 2000 |
| Fenoxaprop ethyl | developmental | 66441234 | March 26, 1999 | Methyl mercury | developmental | — | July 1, 1987 |
| Filgrastim | developmental | 121181531 | February 27, 2001 | N-Methylpyrrolidone | developmental | 872504 | June 15, 2001 |
| Fluazifop butyl | developmental | 69806504 | November 6, 1998 | Methyltestosterone | developmental | 58184 | April 1, 1990 |
| Flunisolide | developmental, female | 3385033 | May 15, 1998 | Metiram | developmental | 9006422 | March 30, 1999 |
| Fluorouracil | developmental | 51218 | January 1, 1989 | Midazolam hydrochloride | developmental | 59467968 | July 1, 1990 |
| Fluoxymesterone | developmental | 76437 | April 1, 1990 | Minocycline hydrochloride (internal use) | developmental | 13614987 | January 1, 1992 |
| Flurazepam hydrochloride | developmental | 1172185 | October 1, 1992 | Misoprostol | developmental | 59122462 | April 1, 1990 |
| Flurbiprofen | developmental, female | 5104494 | August 20, 1999 | Mitoxantrone hydrochloride | developmental | 70476823 | July 1, 1990 |
| Flutamide | developmental | 13311847 | July 1, 1990 | Myclobutanil | developmental, male | 88671890 | April 16, 1999 |
| Fluticasone propionate | developmental | 80474142 | May 15, 1998 | Nabam | developmental | 142596 | March 30, 1999 |
| Fluvalinate | developmental | 69409945 | November 6, 1998 | Nafarelin acetate | developmental | 86220420 | April 1, 1990 |
| Ganciclovir sodium | developmental, male | 82410320 | August 26, 1997 | Neomycin sulfate (internal use) | developmental | 1405103 | October 1, 1992 |
| Gemfibrozil | female, male | 25812300 | August 20, 1999 | Netilmicin sulfate | developmental | 56391572 | July 1, 1990 |
| Goserelin acetate | developmental, female, male | 65807025 | August 26, 1997 | Nickel carbonyl | developmental | 13463393 | September 1, 1996 |
| Halazepam | developmental | 23092173 | July 1, 1990 | Nicotine | developmental | 54115 | April 1, 1990 |
| Halobetasol propionate | developmental | 66852548 | August 20, 1999 | Nifedipine | developmental, female, male | 21829254 | January 29, 1999 |
| Haloperidol | developmental, female | 52868 | January 29, 1999 | Nimodipine | developmental | 66085594 | April 24, 2001 |
| Halothane | developmental | 151677 | September 1, 1996 | Nitrapyrin | developmental | 1929824 | March 30, 1999 |
| Heptachlor | developmental | 76448 | August 20, 1999 | Nitrofurantoin | male | 67209 | April 1, 1991 |
| Hexachlorobenzene | developmental | 118741 | January 1, 1989 | Nitrogen mustard (Mechlorethamine) | developmental | 51752 | January 1, 1989 |
| Hexamethylphosphoramide | male | 680319 | October 1, 1994 | Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride) | developmental | 55867 | July 1, 1990 |
| Histrelin acetate | developmental | — | May 15, 1998 | Norethisterone (Norethindrone) | developmental | 68224 | April 1, 1990 |
| Hydramethylnon | developmental, male | 67485294 | March 5, 1999 | Norethisterone acetate (Norethindrone acetate) | developmental | 51989 | October 1, 1991 |
| Hydroxyurea | developmental | 127071 | May 1, 1997 | Norethisterone (Norethindrone)/Ethinyl estradiol | developmental | 68224/57636 | April 1, 1990 |
| Idarubicin hydrochloride | developmental, male | 57852570 | August 20, 1999 | Norethisterone (Norethindrone)/Mestranol | developmental | 68224/72333 | April 1, 1990 |
| Ifosfamide | developmental | 3778732 | July 1, 1990 | Norgestrel | developmental | 6533002 | April 1, 1990 |
| Iodine-131 | developmental | 10043660 | January 1, 1989 | Oxadiazon | developmental | 19666309 | May 15, 1998 |
| Isotretinoin | developmental | 4759482 | July 1, 1987 | Oxazepam | developmental | 604751 | October 1, 1992 |
| Lead | developmental, female, male | — | February 27, 1987 | Oxydemeton methyl | female, male | 301122 | November 6, 1998 |
| Leuprolide acetate | developmental, female, male | 74381536 | August 26, 1997 | Oxymetholone | developmental | 434071 | May 1, 1997 |
| | | | | Oxytetracycline (internal use) | developmental | 79572 | January 1, 1991 |
| | | | | Oxytetracycline hydrochloride (internal use) | developmental | 2058460 | October 1, 1991 |
| | | | | Paclitaxel | developmental, female, male | 33069624 | August 26, 1997 |

| Chemical | Type of Reproductive Toxicity | CAS No. | Date Listed |
|--|-------------------------------|----------|-------------------|
| Paramethadione | developmental | 115673 | July 1, 1990 |
| Penicillamine | developmental | 52675 | January 1, 1991 |
| Pentobarbital sodium | developmental | 57330 | July 1, 1990 |
| Pentostatin | developmental | 53910251 | September 1, 1996 |
| Phenacemide | developmental | 63989 | July 1, 1990 |
| Phenprocoumon | developmental | 435972 | October 1, 1992 |
| Pimozide | developmental, female | 2062784 | August 20, 1999 |
| Pipobroman | developmental | 54911 | July 1, 1990 |
| Plicamycin | developmental | 18378897 | April 1, 1990 |
| Polybrominated biphenyls | developmental | — | October 1, 1994 |
| Polychlorinated biphenyls | developmental | — | January 1, 1991 |
| Potassium dimethyldithiocarbamate | developmental | 128030 | March 30, 1999 |
| Pravastatin sodium | developmental | 81131706 | March 3, 2000 |
| Prednisolone sodium phosphate | developmental | 125020 | August 20, 1999 |
| Procarbazine hydrochloride | developmental | 366701 | July 1, 1990 |
| Propargite | developmental | 2312358 | June 15, 1999 |
| Propylthiouracil | developmental | 51525 | July 1, 1990 |
| Pyrimethamine | developmental | 58140 | January 29, 1999 |
| Quazepam | developmental | 36735225 | August 26, 1997 |
| Quizalofop-ethyl | male | 76578148 | December 24, 1999 |
| Resmethrin | developmental | 10453868 | November 6, 1998 |
| Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.) | developmental | — | July 1, 1989 |
| Ribavirin | developmental | 36791045 | April 1, 1990 |
| | male | 36791045 | February 27, 2001 |
| Rifampin | developmental, female | 13292461 | February 27, 2001 |
| Secobarbital sodium | developmental | 309433 | October 1, 1992 |
| Sermorelin acetate | developmental | — | August 20, 1999 |
| Sodium dimethyldithiocarbamate | developmental | 128041 | March 30, 1999 |
| Sodium fluoroacetate | male | 62748 | November 6, 1998 |
| Streptomycin sulfate | developmental | 3810740 | January 1, 1991 |
| Streptozocin (streptozotocin) | developmental, female, male | 18883664 | August 20, 1999 |
| Sulfasalazine | male | 599791 | January 29, 1999 |
| Sulindac | developmental, female | 38194502 | January 29, 1999 |
| Tamoxifen citrate | developmental | 54965241 | July 1, 1990 |
| Temazepam | developmental | 846504 | April 1, 1990 |
| Teniposide | developmental | 29767202 | September 1, 1996 |
| Terbacil | developmental | 5902512 | May 18, 1999 |
| Testosterone cypionate | developmental | 58208 | October 1, 1991 |
| Testosterone enanthate | developmental | 315377 | April 1, 1990 |
| 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) | developmental | 1746016 | April 1, 1991 |
| Tetracycline (internal use) | developmental | 60548 | October 1, 1991 |
| Tetracyclines (internal use) | developmental | — | October 1, 1992 |
| Tetracycline hydrochloride (internal use) | developmental | 64755 | January 1, 1991 |
| Thalidomide | developmental | 50351 | July 1, 1987 |
| Thioguanine | developmental | 154427 | July 1, 1990 |
| Thiophanate methyl | female, male | 23564058 | May 18, 1999 |
| Tobacco smoke (primary) | developmental, female, male | — | April 1, 1988 |
| Tobramycin sulfate | developmental | 49842071 | July 1, 1990 |
| Toluene | developmental | 108883 | January 1, 1991 |
| Triadimefon | developmental, female, male | 43121433 | March 30, 1999 |
| Triazolam | developmental | 28911015 | April 1, 1990 |
| Tributyltin methacrylate | developmental | 2155706 | December 1, 1999 |
| Trientine hydrochloride | developmental | 38260014 | February 27, 2001 |
| Triforine | developmental | 26644462 | June 18, 1999 |
| Trilostane | developmental | 13647353 | April 1, 1990 |
| Trimethadione | developmental | 127480 | January 1, 1991 |

| Chemical | Type of Reproductive Toxicity | CAS No. | Date Listed |
|---------------------------|-------------------------------|-----------|-------------------|
| Trimetrexate glucuronate | developmental | 82952645 | August 26, 1997 |
| Triphenyltin hydroxide | developmental | 76879 | March 18, 2002 |
| Uracil mustard | developmental, female, male | 66751 | January 1, 1992 |
| Urethane | developmental | 51796 | October 1, 1994 |
| Urofollitropin | developmental | 97048130 | April 1, 1990 |
| Valproate (Valproic acid) | developmental | 99661 | July 1, 1987 |
| Vinblastine sulfate | developmental | 143679 | July 1, 1990 |
| Vinclozolin | developmental | 50471448 | May 15, 1998 |
| Vincristine sulfate | developmental | 2068782 | July 1, 1990 |
| Warfarin | developmental | 81812 | July 1, 1987 |
| Zileuton | developmental, female | 111406872 | December 22, 2000 |

Date: March 14, 2003

SUMMARY OF REGULATORY ACTIONS

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE **March 14, 2003** AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *strong inorganic acid mists containing sulfuric acid* to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing of *strong inorganic acid mists containing sulfuric acid* is effective **March 14, 2003**.

The listing of *strong inorganic acid mists containing sulfuric acid* is based on a formal identification by an authoritative body (i.e., the National Toxicology Program ["NTP"]) that this chemical causes cancer. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, California Code of Regulations, Section 12306. The reader is directed to the Notice of Intent to List *strong inorganic acid mists containing sulfuric acid* published in the July 19, 2002, issue of the *California Regulatory Notice Register* (Register 02, No. 29-Z) for the documentation supporting

OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table outlines the addition of *strong inorganic acid mists containing sulfuric acid* to the Proposition 65 chemical list as known to the State to cause cancer:

| Chemical | CAS No. | Toxicological Endpoint | Listing Mechanism ¹ |
|--|---------|------------------------|--------------------------------|
| Strong inorganic acid mists containing sulfuric acid | — | Cancer | AB |

¹ Listing mechanism:

AB—"authoritative body" mechanism (22 CCR Section 12306)

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

**Request for Information and for Public Input on
Agenda for Acrylamide Workshop**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65; Health and Safety Code Section 25249.5 et seq.). Proposition 65 requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. Research performed over the last year or two indicates that acrylamide, a carcinogen listed as "known to the state to cause cancer" under Proposition 65, is formed during cooking of certain foodstuffs at high temperatures, and is present in some foods and beverages.

OEHHA is planning to convene a workshop to discuss all appropriate Proposition 65 regulatory options regarding acrylamide created by cooking foods, including the adoption of alternative risk levels. Future announcements will identify the date, location and agenda of the workshop.

OEHHA welcomes public participation and public input throughout the process of examining this issue. The purpose of this notice is to seek public input and information, at this early stage of the workshop planning process on possible agenda items for the workshop. Supporting documentation for the proposed agenda items is also requested. Information received will be taken into account by OEHHA as it prepares an

agenda and background material for the workshop. Submissions should be sent to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803
(916) 445-6900

In order to be considered, the relevant information must be postmarked (if sent by mail) or received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on **Monday, April 14, 2003**.

DECISION NOT TO PROCEED

CALIFORNIA ARCHITECTS BOARD

LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE

**NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION**

The California Architects Board has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on April 5, 2002, OAL File # 02-1113-07S, concerning Title 16, section 2649 (Fees).

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD
Area Designations**

This nonsubstantive filing updates the Table of Area Designations for Ozone to reflect changes in status by operation of law per Health & Safety Code section 40925.5 for several air basin areas and counties.

Title 17
California Code of Regulations
AMEND: 60201
Filed 02/27/03
Effective 02/27/03
Agency Contact: George Poppic (916) 322-3940

BOARD OF PSYCHOLOGY

Disciplinary Guidelines

This action would amend the disciplinary guidelines adding references to the California Jurisprudence and Professional Ethics Examination and the Examination for Professional Practice in Psychology and would also amend some of the terms and conditions.

Title 16
California Code of Regulations
AMEND: 1397.12
Filed 03/03/03
Effective 04/02/03
Agency Contact: Kathy Bradbury (916) 263-0712

BUREAU OF AUTOMOTIVE REPAIR

Definitions "Clean Piping"

The regulatory action defines "clean piping" for purposes of Health and Safety Code section 44072.10, subdivision (c)(1).

Title 16
California Code of Regulations
AMEND: 3340.1
Filed 03/03/03
Effective 04/02/03
Agency Contact: James Allen (916) 255-4300

**CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD**

**Inventory of Solid Waste Facilities Violating State
Minimum Standards**

This rulemaking action sets out the procedures the Board must follow when listing and unlisting solid waste management facilities from the Inventory of Solid Waste Facilities Which Violate State Minimum Standards and enforcement roles of both the Board and the local enforcement agencies.

Title 14
California Code of Regulations
ADOPT: 18360, 18361, 18362, 18363, 18364, 18365, 18366, 18367, and 18368
Filed 03/05/03
Effective 04/04/03
Agency Contact:
Suzanne Hambleton (916) 341-6337

DEPARTMENT OF CORPORATIONS

Investment Advisor Registration Depository

This action updates the rules applicable to registration of investment advisers to coordinate with the development of the web-based Investment Adviser

Registration Depository operated by the National Association of Securities Dealers Regulation, Inc.

Title 10
California Code of Regulations
ADOPT: 260.230, 260.230.1, 260.231.2, 260.231.3, 260.236.1, 260.236.2, 260.237.2 AMEND: 260.231, 260.236, 260.237.1, 260.240, 260.241.2, 260.241.3, 260.241.4, 260.242
Filed 03/04/03
Effective 04/03/03
Agency Contact: Kathy Womack (916) 322-5824

DEPARTMENT OF FINANCIAL INSTITUTIONS

Credit Unions

In this regulatory action, the Department of Financial Institutions proposes substantial revisions to its regulations pertaining to credit unions, covering a wide range of credit union-related regulatory procedures and requirements.

Title 10
California Code of Regulations
ADOPT: 5.6182, 5.6183, 30.30, 30.31, 30.40, 30.41, 30.50, 30.51, 30.60, 30.61, 30.70, 30.71, 30.72, 30.73, 30.105, 30.402, 30.406, 30.500, 30.802, 30.1000 AMEND: 30.101, 30.102, 30.103, 30.300, 30.301, 30.302, 30.304, 30.306, 30.401, 30.403, 30.404, 30.
Filed 02/27/03
Effective 03/29/03
Agency Contact:
Kenneth Sayre-Peterson (916) 322-1570

DEPARTMENT OF HEALTH SERVICES

Varicella (Chickenpox) Immunization

This Certificate of Compliance incorporates varicella (chickenpox) within the current immunization regulations, and provides guidance for the implementation and documentation of this immunization, as well as exemptions from the requirement.

Title 17
California Code of Regulations
AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075
Filed 02/27/03
Effective 02/27/03
Agency Contact:
Barbara S. Gallaway (916) 657-3197

DEPARTMENT OF HEALTH SERVICES

Upper Billing Limit

This emergency rulemaking changes the payment policy for durable medical equipment and medical supplies to the provider's cost of obtaining the item plus 100% up to the Medi-Cal rates on file for the item. This emergency rulemaking is exempt from

review by the Office of Administrative Law pursuant to section 14043.75 of the Welfare and Institutions Code.

Title 22
California Code of Regulations
ADOPT: 51008.1 AMEND: 51104, 51515, 51520, 51521
Filed 02/27/03
Effective 03/01/03
Agency Contact: Marylyn Willis (916) 657-3174

DEPARTMENT OF INDUSTRIAL RELATIONS Conflict of Interest Code

The Department of Industrial Relations is repealing and adopting its conflict of interest code in total, which is found at Title 8, California Code of Regulations, Section 17000. These changes were approved by the Fair Political Practices Commission for filing on December 19, 2002.

Title 8
California Code of Regulations
ADOPT: 17000 REPEAL: 17000
Filed 03/03/03
Effective 04/02/03
Agency Contact:
Walter L. Harris (415) 703-4333

DEPARTMENT OF MOTOR VEHICLES Business Partners Automation Program

The readopted emergency regulations set standards and procedures for agreements between the Department of Motor Vehicles and different types of business partners participating in the BPA Program. The approved business partners will be authorized to transmit electronically vehicle registration and ownership data from an authorized site to the department's vehicle registration and BPA inventory databases, providing an alternative to visiting a department field office to complete certain registration transactions. The regulations will establish standards for payments, tracking and monitoring assignment of license plates and year of expiration stickers and printing and self-issue of registration documents.

Title 13
California Code of Regulations
ADOPT: 225.00, 225.06, 225.12, 225.15, 225.21, 225.24, 225.27, 225.30, 225.33, 225.39, 225.48, 225.57, 225.60, 225.66, and 225.69 AMEND: 225.03, 225.09, 225.18, 225.36, 225.42, 225.45, 225.51, 225.54, 225.63, and 225.72
Filed 03/03/03
Effective 03/03/03
Agency Contact:
Christie Patrick (916) 657-5567

DEPARTMENT OF SOCIAL SERVICES Assistance Dog Special Allowance Payment Increase

Senate Bill No. 1190 (ch. 452, stats. 2001) increased the monthly allowance under the Assistance Dog Special Allowance Program (ADSA) for a recipient of federal Social Security Disability Insurance who has a guide, servant, or service dog from \$35 to \$50. This regulatory action makes this change to the existing regulations and adds recipients of the Cash Assistance Program for Immigrants to those eligible to receive this allowance.

Title MPP
California Code of Regulations
AMEND: 46-430.1, 46-430.2, 46-430.3, 46-430.4, 46-430.5 REPEAL: 46-430.42
Filed 02/27/03
Effective 02/27/03
Agency Contact:
Anthony J. Velasquez (916) 657-2586

FISH AND GAME COMMISSION Trap Destruction Devices

Section 9003 of the Fish and Game Code provides that every trap used to take mollusks, crustaceans, or other invertebrates shall have at least one destruction device which meets specifications approved by the Department of Fish and Game. Section 8500 of the Fish and Game Code provides that the taking of mollusks, crustaceans, or other invertebrates for commercial purposes shall be subject to regulations adopted by the Fish and Game Commission. This regulatory action amends the existing specifications in regulation for such destruction devices.

Title 14
California Code of Regulations
AMEND: 180.2
Filed 03/04/03
Effective 04/03/03
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION Cooperation State Fish & Game Commission

The regulatory action deals with cooperation with state and federal fishery observers.

Title 14
California Code of Regulations
ADOPT: 105.5 AMEND: 195
Filed 02/27/03
Effective 02/27/03
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION EMERGENCY for Xantus's murrelet

This filing is the readoption of an emergency regulatory filing which authorized the incidental take of Xantus's Murrelet (*Synthliboramphus hypoleucus*)

during its candidacy period subject to the terms and conditions specified in the regulation.

Title 14
California Code of Regulations
ADOPT: 749.2
Filed 03/04/03
Effective 03/07/03
Agency Contact: Robert Treanor

RESOURCES AGENCY

CEQA Certification of A Regulatory Program

This regulatory action adds to the list of programs certified by the Secretary for Resources, the regulatory program of the Department of Fish and Game for review and approval of voluntary programs for routine and ongoing agricultural activities authorized by Fish and Game Code section 2086.

Title 14
California Code of Regulations
ADOPT: 15251
Filed 03/04/03
Effective 03/04/03
Agency Contact:
Margaret J. Kim (916) 653-5481

STATE ALLOCATION BOARD

Leroy F. Green School Facilities Act of 1998—Urban, 14 Issues

This emergency regulatory action (1) changes the date to conform to urgency legislation (AB 16, Chapter 33, Statutes 2002, effective April 29, 2002), which revised the date earlier legislation had changed the funding ratio for modernization program grants (from 80/20 to 60/40 retroactively as of March 15, 2002, increasing school districts' share); (2) inserts into the SAB's application forms the now-mandatory labor compliance program requirement for projects using Proposition 47 funds (a bond act passed in 2002); (3) lets the State Department of Education seek modernization grants on behalf the California Schools for the Deaf and Blind; (4) adjusts certain urban construction grants; and (5) increases amounts available under specific circumstances for toxic funding related to site acquisition and response action costs.

Title 2
California Code of Regulations
ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, and 1859.145
Filed 02/27/03
Effective 02/27/03
Agency Contact: Lisa Jones (916) 322-1043

STEPHEN P. TEALE DATA CENTER

Conflict of Interest Code

This is a Conflict of Interest Code amendment that has been approved by the Fair Political Practices

Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
ADOPT: 28010
Filed 02/27/03
Effective 03/29/03
Agency Contact:
William Stanglin (916) 464-4577

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 30, 2002
TO MARCH 05, 2003**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/21/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, Appendix A

Title 2

02/27/03 ADOPT: 1859.2, AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, and 1859.145

02/27/03 ADOPT: 28010

02/25/03 REPEAL: 18707.3

02/24/03 ADOPT: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445

02/24/03 AMEND: 18312

02/19/03 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

02/18/03 AMEND: 18991

02/18/03 AMEND: 18704.2

02/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

02/13/03 AMEND: 1859.77.2

02/11/03 AMEND: 1555

02/11/03 AMEND: 1897

02/06/03 ADOPT: 1859.74.5, 1859.74.6, 1859.81.2, 1859.81.3, 1859.105.2

AMEND: 1859.2, 1859.74, 1859.76,
1859.77.1, 1859.81.1, 1859.90, 1859.103,
1859.104

02/03/03 ADOPT: 649.23, 649.24, 649.25

02/03/03 AMEND: 649.11

01/30/03 ADOPT: 18530.2

01/16/03 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72,
1859.73.1, 1859.73.2, 1859.74.1,
1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.100, 1859.101, 1859.102, 1859.107

01/16/03 AMEND: 18703.4, 18730, 18940.2,
18942.1, 18943

01/16/03 AMEND: 18700

01/16/03 ADOPT: 18545

01/16/03 AMEND: 18705.1

01/13/03 ADOPT: 1866.4.1, 1866.4.2, 1866.4.3,
1866.4.4, 1866.4.6, 1866.4.7, 1866.5.1,
1866.5.2, 1866.5.4, 1866.5.5, 1866.5.6,
1866.5.7, 1866.5.8, 1866.9.1, 1866.12,
1866.13, 1866.14 AMEND: 1866,
1866.1, 1866.2, 1866.3, 1866.4, 1866.5,
1866.5.3, 1866.7, 1866.8, 186

01/08/03 ADOPT: 18535

12/19/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.218, 1859.219, 1859.220,

12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700

11/26/02 AMEND: 57.1

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9

11/14/02 AMEND: 2271

11/04/02 ADOPT: 549.95

11/04/02 ADOPT: 1859.70.1, 1859.71.3,
1859.78.5, 1859.78.6, 1859.78.7,
1859.93.1, 1859.120, 1859.121,
1859.122, 1859.122.1, 1859.122.2,
1859.123, 1859.124, 1859.124.1,
1859.125, 1859.125.1, 1859.126,
1859.127, 1859.128, 1859.129, 1859.130,
1859.140, 1859.141, 1859

10/31/02 ADOPT: 18531.7

10/31/02 AMEND: 51000

Title 3

02/06/03 ADOPT: 3650, 3651, 3652, 3653, 3654,
3655, 3656, 3657, 3658, 3659, 3660,
3661, 3662, 3663, 3663.5

02/03/03 AMEND: 3700(c)

01/28/03 AMEND: 3417(b)

01/27/03 AMEND: 3700(C)

01/21/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784

01/06/03 AMEND: 1380.19(l), 1428.17, 1436.37

12/24/02 ADOPT: 1392.12

12/12/02 AMEND: 3417(b)

12/12/02 AMEND: 3423(b)

12/12/02 AMEND: 3417(b)

12/10/02 AMEND: 3700(b)

12/05/02 AMEND: 6550

12/03/02 AMEND: 6622

12/02/02 AMEND: 1392.1, 1392.2 , 1392.4,
1392.9.1

12/02/02 AMEND: 3423(b)

11/12/02 ADOPT: 4600, 4601, 4602, 4603

11/07/02 AMEND: 6000, 6710

11/01/02 AMEND: 3417(b)

Title 4

02/13/03 ADOPT: 10151, 10152, 10153, 10154,
10155, 10156, 10157, 10158, 10159,
10160, 10161, 10162

01/27/03 ADOPT: 12300, 12301, 12302, 12303,
12304, 12305, 12306, 12307, 12308,
12309, 12310 AMEND: 12300, 12301,
12302, 12303, 12304, 12305, 12306,
12307, 12308, 12309, 12310

12/12/02 ADOPT: 12100, 12101, 12104, 12105,
12120, 12122, 12124, 12126, 12128,
12130, 12132, 12140, 12142

12/05/02 ADOPT: 12309, 12310 AMEND:
12300, 12301, 12302, 12303, 12305

Title 5

02/24/03 AMEND: 18301

01/30/03 AMEND: 80043

01/29/03 AMEND: 31000, 31001, 31003, 31004,
31005, 31006, 31007

01/27/03 ADOPT: 42397, 42397.1, 42397.2,
42397.3, 42397.4, 42397.5, 42397.6,
42397.7, 42397.8, 42397.9, 42397.10,
42397.11

01/16/03 ADOPT: 9531, 9532

01/08/03 ADOPT: 11303, 11304, 11305, 11306,
11307, 11308, 11316 AMEND: 11303,
11304, 11305 REPEAL: 4304, 4306,
4311, 4312

12/23/02 AMEND: 80054.5, 80020.4.1

12/10/02 ADOPT: 11983.5

12/09/02 AMEND: 80054

12/05/02 AMEND: 30950, 30951, 30951.1, 30952,
30953, 30954, 30955, 30956, 30957,
30958, 30959

Title 8

03/03/03 ADOPT: 17000 REPEAL: 17000

02/24/03 AMEND: 451, 527

01/30/03 AMEND: 336

01/29/03 ADOPT: 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22, 10122.1, 10127.3, 10131.2, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15 AMEND: 10122, 10131, 10133, 10133.2 REPEAL: 10133.1

01/28/03 AMEND: 1604.5(c)(3), 1604.6(a)

01/21/03 ADOPT: 339.9 AMEND: 339.8.1

01/09/03 AMEND: 769

01/09/03 AMEND: 9771, 9771.2, 9771.66, 9772, 9779, 9779.1, 9779.3, 9779.4, 9779.45

01/09/03 ADOPT: 412.2 AMEND: 403, 404, 405.1, 411, 411.1, 411.2, 418, 420 REPEAL: 407, 407.1, 407.2, 407.3,

01/08/03 ADOPT: 46.1

01/06/03 AMEND: 1527

01/03/03 AMEND: 344.30

12/30/02 ADOPT: 10114.1, 10114.2, 10114.3, 10114.4, 101002, 10103.2, 10106.1, 10107.1, 10111.2, 10113.1, 10113.2, 10113.3, 10113.4, 10113.5, 10113.6 AMEND: 10104, 10105, 10106.5, 10108, 10109, 10113, 10114, 10115.1 REPEAL: 10115.3

12/30/02 AMEND: 14300.10, 14300.12, 14300.29

12/19/02 AMEND: 5221, 5223,

12/03/02 AMEND: 4794, 4848, 4850

12/02/02 AMEND: 3441(a)

11/18/02 ADOPT: 2980, 2981, 2982, 2983

Title 9

02/20/03 AMEND: 9100

01/02/03 AMEND: 10355

12/26/02 ADOPT: 7149.1 AMEND: 7174

11/26/02 ADOPT: 9526, 9531 AMEND: 9500, 9505, 9515, 9530, 9535

Title 10

03/04/03 ADOPT: 260.230, 260.230.1, 260.231.2, 260.231.3, 260.236.1, 260.236.2, 260.237.2 AMEND: 260.231, 260.236, 260.237.1, 260.240, 260.241.2, 260.241.3, 260.241.4, 260.242

02/27/03 ADOPT: 5.6182, 5.6183, 30.30, 30.31, 30.40, 30.41, 30.50, 30.51, 30.60, 30.61, 30.70, 30.71, 30.72, 30.73, 30.105, 30.402, 30.406, 30.500, 30.802, 30.1000 AMEND: 30.101, 30.102, 30.103, 30.300, 30.301, 30.302, 30.304, 30.306, 30.401, 30.403, 30.404, 30.

02/13/03 AMEND: 3200

02/11/03 AMEND: 2646.6 REPEAL: 2646.7, 2646.8, 2646.9, 2646.10, 2646.11

01/21/03 AMEND: 2690.1, 2690.2

01/16/03 AMEND: 2498.6

01/13/03 ADOPT: 2498.6

01/02/03 AMEND: 2509.40, 2509.41, 2509.42, 2509.45, 2509.77

12/31/02 AMEND: 2318.6, 2353.1, and 2354.

12/26/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.5

12/16/02 ADOPT: 1422, 1423

12/12/02 AMEND: 2632.8

12/12/02 ADOPT: 2699.6606, 2699.6711, 2699.6631, 2699.6717 AMEND: 2699.6500, 2699.6600, 2699.6605, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6623, 2699.6625, 2699.6629, 2699.6631, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6800, 2699.6801, 2699.680

12/05/02 AMEND: 2632.13(c)

11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4, 2689.5, 2689.6, 2689.7, 2689.8, 2689.9, 2689.10, 2689.11, 2689.12, 2689.13, 2689.14, 2689.15, 2689.16, 2689.17, 2689.18, 2689.19, 2689.20, 2689.21, 2689.22, 2689.23, 2689.24,

11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3, 2542.4, 2542.5, 2542.6, 2542.7, 2542.8

11/18/02 ADOPT: 2187.4

11/14/02 AMEND: 5002

11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3

11/04/02 ADOPT: 2698.99

10/31/02 ADOPT: 2632.13

Title 11

02/06/03 AMEND: 1005,1070,1082

02/03/03 AMEND: 1081(a)(31), 1081(a)(32)

01/17/03 ADOPT: 3100, 3101, 3102, 3103, 3200, 3201, 3203, 3204 AMEND: 3000, 3001, 3002, 3003, 3007, 3008

12/04/02 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51

12/03/02 AMEND: 1001, 1010 REPEAL: 1009

11/26/02 AMEND: 1005

Title 13

03/03/03 ADOPT: 225.00, 225.06, 225.12, 225.15, 225.21, 225.24, 225.27, 225.30, 225.33, 225.39, 225.48, 225.57, 225.60, 225.66, and 225.69 AMEND: 225.03, 225.09, 225.18, 225.36, 225.42, 225.45, 225.51, 225.54, 225.63, 225.72

02/21/03 AMEND: 110.04

02/18/03 REPEAL: 260.01, 262.00, 262.05

02/06/03 AMEND: 55.17

02/04/03 ADOPT: 551.14, 551.15, 551.16, 551.17 AMEND: 553.40, 595

01/03/03 ADOPT: 2606 AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610

12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2271, 2272, 2296

11/25/02 AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818
 11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36, 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms

Title 14

03/05/03 ADOPT: 18360, 18361, 18362, 18363, 18364, 18365, 18366, 18367, 18368
 03/04/03 ADOPT: 749.2
 03/04/03 ADOPT: 15251
 03/04/03 AMEND: 180.2
 02/27/03 ADOPT: 105.5 AMEND: 195
 02/11/03
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